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**JOURNAL OF THE SENATE  
STATE OF WASHINGTON  
2002 REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE**

**FIRST DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Monday, January 14, 2002

At 12:00 noon, pursuant to law, the Senate of the 2002 Regular Session of the Fifty-seventh Legislature of the state of Washington assembled in the Senate Chamber at the State Capitol. Lieutenant Governor Brad Owen, President of the Senate, called the Senate to order.

The Washington State Patrol Honor Guard, consisting of Troopers Robert Veliz, Darrin Latimer, Jimmy Craig, Zach Elmore, Dena Gunderman, Tracy Latimer, Willie Boxhoorn, Barry Kirk and Seattle Police Officer Scott Schmidt, presented the Colors.

The President led the Senate in the Pledge of Allegiance.  
The Meistersingers from Gig Harbor High School sang Amazing Grace and America the Beautiful.

**INTRODUCTION OF LAKEFAIR QUEEN**

The President welcomed and introduced Beccy Gordon, Olympia's Lakefair Queen, who was seated on the rostrum. With permission of the Senate, business was suspended for Queen Beccy to welcome the Senators to Olympia.

**REMARKS BY PRESIDENT OWEN**

The President welcomed the Senators to the 2002 Regular Session of the Legislature.

EDITOR'S NOTE: The following letters of resignations and appointments were received during the 2001 interim.

LETTERS OF RESIGNATION

WASHINGTON STATE SENATE  
Senator Julie Patterson  
33rd Legislative District

November 29, 2001

Governor Gary Locke  
Post Office Box 40002  
Olympia, Washington 98504

Dear Governor Locke:

I hereby submit my resignation as State Senator from the Thirty-third Legislative District, effective at the end of the day on December 9th, 2001.

It has been an honor and a privilege to serve in the State Senate, and I look forward to continuing to serve the public as a member of the King County Council. For the brief period of time during which I will serve in both positions concurrently, I intend to donate my Senate salary to charity.

I look forward to continuing to work together on issues of common concern.

Sincerely,  
JULIA PATTERSON, State Senator, 33<sup>rd</sup> Legislative District

WASHINGTON STATE SENATE  
Senator Dow Constantine  
34th Legislative District

January 7, 2002

Governor Gary Locke  
Governor of the State of Washington  
Legislative Building  
Olympia, Washington 98504

Dear Governor Locke:

I would like to inform you that, effectively immediately, I resign my Thirty-fourth Legislative District seat in the Washington State Senate.

Sincerely,

DOW CONSTANTINE, State Senator, 34th Legislative District

METROPOLITAN KING COUNTY COUNCIL  
Room 1025, King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104-3272

December 26, 2001

Lieutenant Governor Brad Owen  
President of the Senate  
P.O. Box 40400  
Olympia, Washington 98504-0400

Dear Lieutenant Governor:

On December 10, 2001, the King County Council appointed Karen Keiser to the vacancy in the 33rd District of the State Senate created by the election of Julia Patterson to the 13th District of the King County Council. A copy of the motion appointing Senator Keiser is attached for your convenience.

Sincerely yours,  
Anne Noris, Clerk of the Council

KING COUNTY COUNCIL SIGNATURE REPORT  
December 11, 2001

Motion 11340

**Proposed No.** 2001-0567.2 **Sponsors:** von Reichbauer

A MOTION appointing a replacement to the vacancy in the Washington State Senate left by the resignation of Julia Patterson

WHEREAS, a vacancy was created for the position of State Senator for the 33rd Legislative District, due to the resignation of Julia Patterson, and

WHEREAS, the 33rd Legislative District Democrats have submitted the names of nominees for the vacancy;

NOW, THEREFORE, BE IT MOVED by the Council of King County:

Karen Keiser is hereby appointed to the position of State Senator from the 33rd Legislative District, effective immediately for the remainder of the term.

Motion 11340 was introduced on 11/19/01 and passed by the Metropolitan King County Council on 12/10/01, by the following vote:

Yes: 10 - Mr. von Reichbauer, Ms. Miller, Mr. Phillips, Mr. Pelz, Mr. McKenna, Ms. Sullivan, Mr. Pullen, Mr. Glossett, Mr. Irons and Ms. Patterson

No: 0

Excused: 3 - Ms. Fimia, Mr. Nickels and Ms. Hague

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON  
PETE von REICHBAUER, Chair

ATTEST:

Janet Manus for  
Anne Noris, Clerk of the Council

METROPOLITAN KING COUNTY COUNCIL  
Room 1025, King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104-3272

January 9, 2002

Lieutenant Governor Brad Owen

President of the Senate  
P.O. Box 40400  
Olympia, Washington 98504-0400

Dear Lieutenant Governor:

On January 7, 2002, the King County Council appointed Erik Poulsen to the vacancy in the 34rd District of the State Senate created by the resignation of Dow Constantine. A copy of the motion appointing Senator Poulsen is attached for your convenience.

Sincerely yours,  
Anne Noris Clerk of the Council

KING COUNTY COUNCIL SIGNATURE REPORT  
January 8, 2002

Motion 11350

**Proposed No.** 2001-0600.2 **Sponsors** von Reichbauer

A MOTION making an appointment to fill the vacancy in  
34th Legislative District of the Washington State Senate

WHEREAS, a vacancy exists for the position of State Senator for the 34rd Legislative District, due to the resignation of Dow Constantine, and

and WHEREAS, the 34rd Legislative District Democrats have met to consider possible replacements for this position,

and WHEREAS, the King County Democratic Central Committee has submitted names of three nominees to fill the

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NOW, THEREFORE, BE IT MOVED by the Council of King County:

Erik Poulsen is hereby appointed to the position of State Senator from the 34rd Legislative District, effective immediately for the remainder of the term.

Motion 11350 was introduced on 12/10/01 and passed, as amended, by the Metropolitan King County Council on 1/17/02, by the following vote:

Yes: 12 - Ms. Edmonds, Ms. Lambert, Mr. Phillips, Mr. Pelz, Mr. McKenna, Mr. von Reichbauer, Ms. Sullivan, Mr. Constantine, Mr. Pullen, Mr. Gossett, Mr. Irons and Ms. Patterson

No: 0

Excused: 1 - Ms. Hague

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON  
CYNTHIA SULLIVAN, Chair

ATTEST:

Anne Noris, Clerk of the Council

MESSAGE FROM THE SECRETARY OF STATE

The Honorable President of the Senate  
The Legislature of the State of Washington  
Olympia, Washington

I, Sam Reed, Secretary of state of the State of Washington, do hereby certify that according to the provisions of RCW 29.62.130, I have canvassed the returns of the 1,464,891 votes cast by the 3,291,103 registered voters of the state for and against the initiatives and resolutions which were submitted to the vote of the people at the state general election held on the 6th day of November, 2001, as received from the County Auditors

**STATE OF WASHINGTON INITIATIVE NO. 747**

"Initiative Measure No. 747 concerns limiting property tax increases. This measure would require state and local governments to limit property tax levy increases to 1% per year, unless an increase greater than this limit is approved by the voters at an election.

Shall this measure be enacted into law? Yes  No

Yes 826,258  
No 609,266

**TATE OF WASHINGTON INITIATIVE NO. 773**

"Initiative Measure No. 773 concerns additional tobacco taxes for low-income health programs and other programs. This measure would impose an additional sales tax on cigarettes and a surtax on wholesaled tobacco products. The proceeds would be earmarked for existing programs and expanded health care services for low-income persons.

Shall this measure be enacted into law? Yes  No

Yes 948,529  
No 486,912

**STATE OF WASHINGTON INITIATIVE NO. 775**

"Initiative Measure No. 775 concerns long-term in-home care services. This measure would create a "home care quality authority" to establish qualifications, standards, accountability, training, referral and employment relations for publicly funded individual providers of in-home care services to elderly and disabled adults.

Shall this measure be enacted into law? Yes  No

Yes 880,523  
No 522,848

**TATE OF WASHINGTON ENGROSSED SENATE JOINT RESOLUTION NO. 8208**

"The Legislature has proposed a constitutional amendment on the use of temporary superior court judges (judges pro tempore). This amendment would allow superior courts to bring in elected Washington judges from other court levels to hear cases on a temporary basis, subject to certain restrictions, as implemented by supreme court rules.

Should this constitutional amendment be: Approved  Rejected

Approved 976,417  
Rejected 395,324

**WASHINGTON HOUSE JOINT RESOLUTION NO. 4202**

**STATE OF**

"The Legislature has proposed a constitutional amendment on the investment of state funds. This amendment would grant increased discretion to the Legislature in deciding how to invest state funds. Funds under the authority of the state investment board could be invested as determined by state statute.

Should this constitutional amendment be: Approved [ ] Rejected [ ]"

Approved 573,878  
Rejected 761,768

IN WITNESS WHEREOF, I have set my hand and  
affixed the official seal of the state of Washington,  
this 6th day of December, 2001.

(Seal) SAM REED, Secretary of State

#### ROLL CALL

The Secretary called the roll and all Senators were present.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Kline and Johnson to escort the Honorable Chief Justice Gerry Alexander to the rostrum.

The President welcomed and introduced the Honorable Gerry Alexander, Chief Justice of the Supreme Court of the state of Washington, who will administer the oath of office to Karen Keiser and Erik Poulsen.

#### APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate requested the Sergeant at Arms to escort Senators Keiser and Poulsen to the rostrum. Chief Justice Alexander thereupon administered the oath of office to Senators Keiser and Poulsen. The President presented Senators Keiser and Poulsen with a certificate of election. The Sergeant at Arms escorted Senators Keiser and Poulsen to their seats in the Senate Chamber.

The President thanked Chief Justice Alexander and appointed Senators Kastama and Sheahan to escort the Chief Justice from the Senate Chamber.

#### MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

#### SENATE RESOLUTION 8713

By Senators Snyder, Spanel, West and Hale

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

#### APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Resolution 8713, the President appointed Senators Poulsen, Keiser, Parlette and Carlson to notify the House of Representatives that the Senate is organized and ready to transact business.

#### MOTION

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

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6230 by Senators Jacobsen, Hale, Rasmussen, Roach and Oke

AN ACT Relating to acts of terrorism; amending RCW 9A.04.080; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6231 by Senators Jacobsen, Rasmussen, Roach and Oke

AN ACT Relating to terrorism as an aggravating factor for sentencing purposes; amending RCW 9.94A.535; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6232 by Senators Rasmussen, Long, Shin, Kastama, Franklin, Winsley, Spanel, Swecker, Regala, McAuliffe and T. Sheldon

AN ACT Relating to possession of ammonia; amending RCW 69.55.010, 69.55.020, and 69.55.030; reenacting and amending RCW 9.94A.515; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6233 by Senators Rasmussen, Long, Shin, Kastama, Franklin, Winsley, Spanel, Swecker, Regala and McAuliffe

AN ACT Relating to possession of ephedrine, pseudoephedrine, and ammonia; amending RCW 69.50.440, 9.94A.605, and 26.44.200; reenacting and amending RCW 9.94A.515; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

SB 6234 by Senators Winsley, Prentice, Regala, Hochstatter, Honeyford, Benton, Rasmussen, Gardner, Deccio, Roach, Morton, Franklin and Hewitt

AN ACT Relating to requiring a date certain for the payment of insurance premiums; amending RCW 48.18.140; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6235 by Senators Carlson, Kohl-Welles, Hewitt, Parlette, Sheahan, McAuliffe, Johnson, Hale, Horn, Long, Deccio, West, Winsley and Oke

AN ACT Relating to residency for purposes of tuition at institutions of higher education; amending RCW 28B.15.012; and providing an effective date.

Referred to Committee on Higher Education.

SB 6236 by Senators West, Snyder and Gardner

AN ACT Relating to mailings by legislators; and amending RCW 42.52.185.

Referred to Committee on State and Local Government.

SB 6237 by Senators Prentice, Costa, Kohl-Welles, Kline, Kastama, Thibaudeau, Gardner, Winsley, Franklin, Rasmussen, Patterson, Brown, Keiser, McAuliffe and Fairley

AN ACT Relating to restrictions on public passenger transportation system agreements for services by private entities; amending RCW 35.84.060 and 39.33.050; adding a new section to chapter 36.56 RCW; adding a new section to chapter 36.57 RCW; adding a new section to chapter 36.57A RCW; and adding a new section to chapter 81.112 RCW.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6238 by Senators Shin, McAuliffe, Rasmussen, Franklin, T. Sheldon, Spanel, Kohl-Welles, B. Sheldon, Fairley, Snyder, Eide, Thibaudeau, Costa, Prentice, Kastama and Gardner

AN ACT Relating to obsolete racial terminology; amending RCW 35.22.650; adding a new section to chapter 1.20 RCW; creating new sections; and providing an effective date.

Referred to Committee on State and Local Government.

SB 6239 by Senators Fairley, Gardner, Jacobsen, Kline and Spanel

AN ACT Relating to possession of firearms on the state capitol campus; amending RCW 9.41.300; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6240 by Senators Franklin, Shin, Kline, Regala, Prentice and Costa

AN ACT Relating to notice to felons regarding restoration of voting rights; amending RCW 9.94A.637 and 9.96.050; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 6241 by Senators Rasmussen, T. Sheldon, Swecker, Hargrove and Snyder

AN ACT Relating to Christmas trees; and reenacting and amending RCW 76.09.020.

Referred to Committee on Agriculture and International Trade.

SB 6242 by Senators Johnson and Kline

AN ACT Relating to nonprobate asset beneficiary designation; and amending RCW 11.07.010.

Referred to Committee on Judiciary.

SB 6243 by Senators McAuliffe, Eide, Carlson, Kastama, Rasmussen and Kohl-Welles

AN ACT Relating to evaluating the current governance structure of the K-12 public school system in Washington state; and creating a new section.

Referred to Committee on Education.

SB 6244 by Senators McAuliffe, Carlson, Eide, Kastama, Rasmussen, Regala, Kohl-Welles, Keiser, Franklin and Fairley

AN ACT Relating to prekindergarten; adding new sections to chapter 28A.215 RCW; and prescribing penalties.

Referred to Committee on Education.

SB 6245 by Senators McAuliffe and Carlson

AN ACT Relating to appointments to the academic achievement and accountability commission made beginning June 30, 2002; and amending RCW 28A.655.020.

Referred to Committee on Education.

SB 6246 by Senators Jacobsen, Kohl-Welles and Kline

AN ACT Relating to formation of an organic foods commission; adding a new section to chapter 15.24 RCW; adding a new section to chapter 15.26 RCW; adding a new section to chapter 15.28 RCW; adding a new section to chapter 15.44 RCW; adding a new section to chapter 15.62 RCW; adding a new section to chapter 15.65 RCW; adding a new section to chapter 15.66 RCW; adding a new section to chapter 16.67 RCW; adding a new section to chapter 43.78 RCW; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Agriculture and International Trade.

SB 6247 by Senators Roach and Stevens

AN ACT Relating to possession of methamphetamine precursor drugs; amending RCW 69.50.440, 26.44.200, and 9.94A.605; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6248 by Senators Jacobsen, Kohl-Welles and Kline

AN ACT Relating to funding bicycle and pedestrian safety; amending RCW 46.16.313; reenacting and amending RCW 46.16.305; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6249 by Senators Jacobsen, Kastama, Rasmussen and Roach

AN ACT Relating to the distinguished flying cross license plate; amending RCW 46.16.313; reenacting and amending RCW 46.16.305; adding a new section to chapter 46.04 RCW; adding new sections to chapter 46.16 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 6250 by Senators Prentice, Swecker, Haugen and Gardner (by request of Department of Transportation)

AN ACT Relating to environmental mitigation sites; and adding a new section to chapter 47.12 RCW.

Referred to Committee on Transportation.

SB 6251 by Senators West, Hale, Honeyford, Zarelli, Morton, Parlette, Hochstatter, Hewitt, T. Sheldon, Johnson, Horn, Finkbeiner, Oke and Benton

AN ACT Relating to administrative rule adoption procedures; and amending RCW 34.05.360.

Referred to Committee on State and Local Government.

SB 6252 by Senators West, Hale, Honeyford, Zarelli, Morton, Parlette, Hochstatter, Hewitt, T. Sheldon, Johnson, Horn, Finkbeiner, Oke and Benton

AN ACT Relating to the rule-making authority of various governmental entities; amending RCW 28A.300.040, 41.50.050, 43.06A.030, 43.19.011, 43.21A.064, 43.24.016, 43.27A.090, 43.30.150, 43.31C.060, 43.33.040, 43.33A.110, 43.59.070, 43.61.040, 43.63A.475, 43.70.580, 43.101.085, 43.115.040, 43.117.050, 43.121.050, 43.155.040, 43.160.050, 43.163.100, 43.180.040, 43.200.070, 43.210.060, 43.250.090, 43.320.040, 43.330.040, 47.01.071, 48.02.060, 48.44.050, 48.46.200, 66.08.0501, 77.04.055, and 80.01.040; and adding a new section to chapter 43.17 RCW.

Referred to Committee on State and Local Government.

SB 6253 by Senators Rasmussen, Swecker, Shin, Spanel and Honeyford (by request of Department of Agriculture)

AN ACT Relating to assessments for planting stock certification and nursery improvement programs; amending RCW 15.13.310, 15.13.370, and 15.13.470; and adding a new section to chapter 15.13 RCW.

Referred to Committee on Agriculture and International Trade.

SB 6254 by Senators Rasmussen, Swecker, Shin and Spanel (by request of Department of Agriculture)

AN ACT Relating to the fruit and vegetable inspection account; amending RCW 15.17.240 and 15.17.243; reenacting and amending RCW 43.79A.040; repealing RCW 15.17.245; and providing an effective date.

Referred to Committee on Agriculture and International Trade.

SB 6255 by Senators Jacobsen, Oke and Rasmussen (by request of Department of Natural Resources)

AN ACT Relating to the highest responsible bidder for sales of valuable materials from state-owned aquatic lands; and amending RCW 79.90.215.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6256 by Senators Jacobsen, Oke and Rasmussen (by request of Department of Natural Resources)

AN ACT Relating to the sale of valuable materials from state lands; and amending RCW 79.01.184.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6257 by Senators Jacobsen, Oke and Rasmussen (by request of Department of Natural Resources)

AN ACT Relating to contract harvesting; amending RCW 76.12.030, 76.12.120, 79.64.040, and 43.85.130; reenacting and amending RCW 43.84.092; adding new sections to chapter 79.01 RCW; creating a new section; and making appropriations.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6258 by Senators Jacobsen, Oke and Rasmussen (by request of Department of Natural Resources)

AN ACT Relating to Class IV forest practices in urbanizing areas; and amending RCW 76.09.050 and 76.09.240.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6259 by Senators Jacobsen, Oke and Rasmussen (by request of Department of Natural Resources)

AN ACT Relating to installing recreational docks and mooring buoys; and amending RCW 79.90.105.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6260 by Senators Jacobsen, Oke, Fraser and Rasmussen (by request of Department of Natural Resources)

AN ACT Relating to assaults to employees of the department of natural resources; and amending RCW 72.01.045 and 72.09.240.

Referred to Committee on Human Services and Corrections.

SB 6261 by Senators Prentice, Gardner and Kline

AN ACT Relating to compensation during reconsideration or appeal of department of labor and industries' industrial insurance orders; amending RCW 51.52.050; and reenacting and amending RCW 51.52.060.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6262 by Senators Prentice and Gardner

AN ACT Relating to aviation safety; adding a new section to chapter 9.91 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 6263 by Senators Prentice, Kohl-Welles, Keiser and Gardner

AN ACT Relating to contracts for modeling and theatrical agencies; amending RCW 19.31.020; and adding a new section to chapter 19.31 RCW.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6264 by Senators Prentice and Kline

AN ACT Relating to chiropractors at boxing, kickboxing, and martial arts events; and amending RCW 67.08.002, 67.08.090, and 67.08.100.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6265 by Senator Prentice

AN ACT Relating to ambulances at boxing, wrestling, and martial arts events; and amending RCW 67.08.160.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6266 by Senators Johnson and Kline

AN ACT Relating to updating creditor/debtor personal property exemptions; and amending RCW 6.15.010, 6.15.050, and 6.27.160.

Referred to Committee on Judiciary.

SB 6267 by Senators Johnson and Kline

AN ACT Relating to the principal and income act; adding new sections to chapter 11.104 RCW; repealing RCW 11.104.010, 11.104.020, 11.104.030, 11.104.040, 11.104.050, 11.104.060, 11.104.070, 11.104.071, 11.104.080, 11.104.090, 11.104.100, 11.104.110, 11.104.120, 11.104.130, 11.104.900, 11.104.901, 11.104.910, 11.104.920, 11.104.930, and 11.104.940; and providing an effective date.

Referred to Committee on Judiciary.

SB 6268 by Senators Thibaudeau and Kohl-Welles

AN ACT Relating to the Washington pharmacy access program; amending RCW 41.05.021, 41.05.026, and 70.14.050; adding new sections to chapter 74.09 RCW; creating new sections; and making appropriations.

Referred to Committee on Health and Long-Term Care.

SB 6269 by Senators Gardner, Horn, Prentice, Haugen and Oke (by request of Governor Locke)

AN ACT Relating to transportation; amending RCW 41.06.380, 47.80.030, 39.12.070, 39.12.080, 47.05.010, 47.05.030, 47.05.035, 47.06.130, 47.05.051, 35.84.060, 47.06.050, and 47.06.090; adding a new section to chapter 47.28 RCW; adding a new section to chapter 49.04 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 47.06 RCW; adding a new section to chapter 39.12 RCW; adding a new section to chapter 36.56 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 36.78 RCW; creating new sections; making an appropriation; and providing effective dates.

Referred to Committee on Transportation.

SB 6270 by Senators Jacobsen, Kohl-Welles, McAuliffe and Carlson

AN ACT Relating to student membership on governing boards of institutions of higher education; and amending RCW 28B.20.100, 28B.30.100, 28B.35.100, and 28B.40.100.

Referred to Committee on Higher Education.

SB 6271 by Senators Jacobsen and Kohl-Welles

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

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6272 by Senators Long, Hargrove and Costa (by request of Department of Social and Health Services)

AN ACT Relating to contracting for medical care services under chapter 71.09 RCW; amending RCW 71.09.020; adding a new section to chapter 71.09 RCW; and declaring an emergency.

Referred to Committee on Human Services and Corrections.

SB 6273 by Senators Spanel, Haugen, Kohl-Welles, Fairley, Gardner and Kline

AN ACT Relating to weapons at public meetings; and amending RCW 9.41.300.

Referred to Committee on Judiciary.

SB 6274 by Senators Roach, Stevens, T. Sheldon, Johnson and Oke

AN ACT Relating to motor vehicle theft; amending RCW 9A.56.070, 9.94A.525, and 13.40.0357; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6275 by Senators Gardner, Horn, Haugen and Fairley (by request of Public Disclosure Commission)

AN ACT Relating to reporting contributions under the public disclosure act; and amending RCW 42.17.020 and 42.17.080.

Referred to Committee on State and Local Government.

SB 6276 by Senators Gardner and Fairley (by request of Public Disclosure Commission)

AN ACT Relating to penalties for violation of the campaign finance and contribution limits, lobbying, political advertising, and public officials' financial affairs reporting subdivisions of the public disclosure act; amending RCW 42.17.390, 42.17.395, and 42.17.400; adding a new section to chapter 42.17 RCW; and prescribing penalties.

Referred to Committee on State and Local Government.

SB 6277 by Senators Prentice and Winsley (by request of State Treasurer Murphy and Superintendent of Public Instruction Bergeson)

AN ACT Relating to increasing the size of the state investment board; amending RCW 43.33A.020 and 43.33A.040; and providing an effective date.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6278 by Senators Kline, Long and Costa (by request of Department of Social and Health Services)

AN ACT Relating to service of orders to withhold and deliver on financial institutions; and amending RCW 74.20A.080.

Referred to Committee on Judiciary.

SB 6279 by Senators Jacobsen, Fraser and Kline

AN ACT Relating to sales of water rights; amending RCW 82.45.180; adding a new section to chapter 82.45 RCW; adding new sections to chapter 90.03 RCW; creating new sections; and making an appropriation.

Referred to Committee on Environment, Energy and Water.

SB 6280 by Senator Jacobsen

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

Referred to Committee on Health and Long-Term Care.

SB 6281 by Senators Jacobsen, Kohl-Welles and Fraser

AN ACT Relating to transportation funding; amending RCW 46.68.070, 46.68.130, 47.01.011, 47.01.071, 47.02.080, 47.08.060, 47.08.070, 47.10.070, 47.10.110, 47.10.210, 47.10.340, 47.10.360, 47.10.420, 47.10.470, 47.10.716, 47.10.732, 47.10.734, 47.10.757, 47.10.767, 47.10.794, 47.10.805, 47.10.823, 47.10.839, 47.10.847, 47.24.020, 47.56.288, 47.56.590, 47.56.661, 47.56.702, 47.56.704, 47.60.505, 47.60.590, 47.60.806, 47.61.090, and 82.80.070; reenacting and amending RCW 46.68.090; and providing a contingent effective date.

Referred to Committee on Transportation.

SB 6282 by Senators Horn, Haugen, B. Sheldon, Costa, Morton, Honeyford, Hale, Stevens, Finkbeiner and Oke

AN ACT Relating to motorcycle skills education; and amending RCW 46.20.515 and 46.81A.020.

Referred to Committee on Transportation.

SB 6283 by Senators Gardner, Swecker, T. Sheldon, Haugen and Rasmussen

AN ACT Relating to competitive bidding requirements for public hospital districts; and amending RCW 70.44.140.

Referred to Committee on State and Local Government.

SB 6284 by Senators Jacobsen, Horn, Kline, Regala, Rasmussen, Haugen, Carlson, Fraser, Kohl-Welles, Eide, Thibaudeau, Keiser, McAuliffe and Finkbeiner

AN ACT Relating to providing incentives to reduce air pollution through the licensing and use of neighborhood electric vehicles; amending RCW 46.04.320; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.61 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Environment, Energy and Water.

SB 6285 by Senators Regala, Horn, Kline, Jacobsen, Carlson, Rasmussen, Fraser, Kohl-Welles, Eide, Thibaudeau, Fairley, Keiser, McAuliffe, Gardner and Finkbeiner

AN ACT Relating to providing incentives to reduce air pollution through the use of clean alternative fuel vehicles; amending RCW 70.94.030, 82.38.020, 82.38.030, and 82.38.075; adding new sections to chapter 70.94 RCW; adding new sections to chapter 82.04 RCW; providing effective dates; and providing an expiration date.

Referred to Committee on Environment, Energy and Water.

SB 6286 by Senators Long and Hargrove

AN ACT Relating to the time permitted for review by the indeterminate sentence review board of sex offenders who are sentenced to short sentences under RCW 9.94A.712; and amending RCW 9.95.420 and 9.95.011.

Referred to Committee on Human Services and Corrections.

SB 6287 by Senators Long and Hargrove

AN ACT Relating to the status of persons who commit criminal offenses while civilly detained or committed under chapter 71.09 RCW; and adding a new section to chapter 71.09 RCW.

Referred to Committee on Human Services and Corrections.

SB 6288 by Senators Long and Hargrove

AN ACT Relating to technical, clarifying, and nonsubstantive amendments to chapter 12, Laws of 2001 2nd sp. sess.; amending RCW 71.09.020, 71.09.250, 71.09.255, 71.09.265, 71.09.275, 71.09.290, 71.09.300, 71.09.325, 9.95.011, 9.95.017, 9.95.055, 9.95.070, 9.95.110, 9.95.120, 9.95.435, 9.95.440, 9A.44.093, 9A.44.096, 18.155.030, and 71.09.270; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Human Services and Corrections.

SB 6289 by Senators Fairley, Kohl-Welles and Rasmussen

AN ACT Relating to qualifications for adult family home providers and resident managers; amending RCW 70.128.120; and declaring an emergency.

Referred to Committee on Health and Long-Term Care.

SB 6290 by Senators Kline and Johnson

AN ACT Relating to ex parte temporary orders for protection; and amending RCW 26.50.070.

Referred to Committee on Judiciary.

SB 6291 by Senators Kline and Johnson

AN ACT Relating to residency requirements of part-time judges; and amending RCW 3.50.075.

Referred to Committee on Judiciary.

SB 6292 by Senators Kline and Johnson

AN ACT Relating to authorizing lay judicial officers; and amending RCW 3.34.060 and 3.50.040.

Referred to Committee on Judiciary.

SB 6293 by Senators Kline and Johnson

AN ACT Relating to venue for courts of limited jurisdiction; and amending RCW 3.66.070.

Referred to Committee on Judiciary.

SB 6294 by Senators T. Sheldon, Costa, Shin, Fairley, Regala, Kline, Keiser, Gardner, Hargrove, Haugen, Kastama, Prentice, McAuliffe and Jacobsen

AN ACT Relating to sex offender community notification in languages other than English; adding a new section to chapter 4.24 RCW; and providing an effective date.

Referred to Committee on Human Services and Corrections.

SB 6295 by Senators Jacobsen, Kohl-Welles and McAuliffe

AN ACT Relating to access to education; amending RCW 49.60.400; and creating a new section.

Referred to Committee on Judiciary.

SB 6296 by Senators Snyder, West, Horn, Carlson and T. Sheldon (by request of Attorney General Gregoire and Redistricting Commission)

AN ACT Relating to the timeline for submission of a redistricting plan by the redistricting commission; amending RCW 44.05.100; creating a new section; and declaring an emergency.

HOLD.

SB 6297 by Senators Kline, Johnson and Fairley

AN ACT Relating to the payment of dues by members of the district and municipal court judges' association; and amending RCW 3.70.010, 3.70.020, and 3.70.030.

Referred to Committee on Judiciary.

SB 6298 by Senators Prentice, Roach, Franklin, Gardner, Fairley, Keiser, Poulsen, Kline, McAuliffe and Oke

AN ACT Relating to airport security; adding new sections to chapter 53.08 RCW; adding a new section to chapter 42.17 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State and Local Government.

SJR 8220 by Senators Jacobsen, Kohl-Welles, Fraser and Kline

Authorizing use of vehicle license fees and fuel taxes for transportation purposes.

Referred to Committee on Transportation.

SJR 8221 by Senators Jacobsen, Kohl-Welles, Fraser and Fairley

Changing the requirement that legislative days be consecutive.

Referred to Committee on State and Local Government.

SCR 8422 by Senators Snyder and West

Notifying the Governor that the legislature is organized and ready to conduct business.

SCR 8423 by Senators Snyder and West

Reintroducing bills, resolutions, and joint memorials from the 2001 regular session.

SCR 8424 by Senators Snyder and West

Establishing cutoff dates.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8422, Senate Concurrent Resolution No. 8423, Senate Concurrent Resolution No. 8424 and Senate Bill No. 6296 were advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8422 by Senators Snyder and West

Notifying the Governor that the Legislature is organized and ready to conduct business.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8422 was advanced to third reading the second reading considered the third and the concurrent resolution was adopted. SENATE CONCURRENT RESOLUTION NO. 8422 was adopted by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with Senate Concurrent Resolution No. 8422, the President appointed Senators Haugen and Benton to join a like committee from the House of Representatives to notify the Governor that the Legislature is organized and ready to conduct business.

MOTION

On motion of Senator Betti Sheldon, the appointments were confirmed. The committee retired to the office of the Governor.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8423 by Senators Snyder and West

Reintroducing bills, resolutions, and joint memorials from the 2001 regular session and special sessions.

The concurrent resolution was read the second time.

MOTION

Senator Betti Sheldon moved that the rules be suspended and Senate Concurrent Resolution No. 8423 be advanced to third reading, the second reading considered the third and the concurrent resolution be adopted.

The President declared the question before the Senate to be the motion by Senator Betti Sheldon that the rules be suspended and Senate Concurrent Resolution No. 8423 be advanced to third reading and adopted.

The motion by Senator Betti Sheldon carried and Senate Concurrent Resolution No. 8423 was adopted.

SENATE CONCURRENT RESOLUTION NO. 8423 was adopted by voice vote.

MOTION

On motion of Senator Betti Sheldon, the following bills, resolutions and joint memorials from the 2001 regular session and special session were reintroduced:

SECOND READING

SB 5001 f Initiative/referendum paper  
SB 5019 Outdoor burning  
SB 5033 Personnel file inspection  
SB 5044 Parent involvement/AIDS edu  
SB 5062 Public works job order contract  
SB 5066 f Consumer loan companies  
SB 5067 f Alien banks  
SB 5074 \$f Women's health advisory comm  
SB 5076 Ferry fares/credit cards  
SB 5079 Motor vehicle excise tax  
SB 5081 Wild animal care facilities  
SB 5082 f Defining rural counties  
SB 5086 False reporting  
SB 5105 f Chiropractors  
SB 5106 f Juvenile life insurance  
SB 5120 f Open liquor in public  
SB 5128 Industrial injury/medication  
SB 5132 f Com telephone solicitation  
SB 5133 Real estate disclosure info  
SB 5134 Mobile homes  
SB 5135 f Mobile homes  
SB 5140 School Superintendents  
SB 5146 f LEOFF plan 2  
SB 5152 f Retirement benefits board  
SB 5153 f Retirement systems  
SB 5155 f Horse racing compact  
SB 5162 f Safety rest areas  
SB 5175 Restitutions  
SB 5175 Restitutions  
SB 5181 Criminal justice training  
SB 5193 Public records/legislature  
SB 5195 f Industrial insurance  
SB 5196 Fair credit act  
SB 5201 f TANF/higher education  
SB 5209 State highway property  
SB 5210 f Leasehold excise tax  
SB 5212 Special county elections  
SB 5218 f Air bags  
SB 5225 f Commute trip reduction program  
SB 5226 Oversize load permits  
SB 5227 Marine employees  
SB 5248 f Electrical board  
SB 5254 Parks & recreation facility funding  
SB 5286 Legislation commission  
SB 5295 f Wildlife conservation foundation  
SB 5298 \$f Wildlife viewing  
SB 5303 f Gainful employment  
SB 5312 Initiatives  
SB 5318 f Cosmetology  
SB 5326 \$ Supplemental trans budget  
SB 5341 f Prerecorded telephone messages  
SB 5346 \$ Supplemental operating budget  
SB 5353 Archaeological sites  
SB 5354 f Mobile home relocation asst  
SB 5357 f Engineers/land surveyors  
SB 5368 f Child support/medical  
SB 5380 Telecommunications  
SB 5382 f Public disclosure  
SB 5383 Public disclosure commission law  
SB 5385 f Educational service districts  
SB 5386 Educational service districts  
SB 5387 f Educational service districts  
SB 5388 Drug paraphernalia  
SB 5396 f Insurer investments  
SB 5403 Expedited rule process  
SB 5411 f Fire fighters  
ESB 5425 Pesticide application  
SB 5429 f Electronic bingo  
SB 5447 f Forest fire protection  
SB 5452 f Utility relocation

SB 5453 Air pollution investigations  
SB 5462 f Contraceptive health services  
SB 5476 Credit cards  
SB 5477 f Public transportation system  
SB 5479 Athlete agents  
SB 5480 f Relative caregiver program  
SB 5489 Veterans affairs personnel  
SB 5506 Charitable gift annuity  
SB 5507 Parenting plans/paternity  
SB 5515 State veterans' song  
SB 5519 f Motorcycles  
SB 5520 f Ballot measures/fiscal impact  
SB 5544 f Students/felonies  
SB 5556 Public assets  
SB 5562 Harassment orders  
SB 5578 Trusts for nonhuman animals  
SB 5581 Naturopathic physicians  
SB 5590 Liability Company annual reports  
SB 5592 Motor vehicle excise tax  
SB 5599 State mammal  
SB 5605 f Insurers/investments  
SB 5608 f Local leasehold excise tax account  
SB 5609 Cities and towns  
SB 5613 f Agricultural products  
SB 5614 f CTED  
SB 5615 f Victims of stalking  
SB 5623 Surplus line brokers  
ESB 5626 f Definition of veteran  
SB 5631 Metropolitan park districts  
SB 5639 f Abstracts of driving records  
SB 5640 f Motor vehicle dealers  
SB 5649 f Electricity generation resources  
SB 5652 In-home long-term care  
SB 5653 Insurer's estate  
SB 5654 f Licensing insurance agents  
SB 5658 f Vehicle license renewals  
SB 5660 f Taxation of fuel  
SB 5661 Recreational facilities  
SB 5670 f Driving under the influence

SB 5672 Crime victims/restitution  
SB 5688 f Infant and child products  
SB 5694 \$f Mobile home park managers  
SB 5697 f Missing person records  
SB 5698 Unidentified persons/information  
SB 5700 Industrial land banks  
SB 5704 f Election recount procedures  
SB 5705 Initiatives/funding sources  
SB 5711 f Ballots/order of candidates  
SB 5713 Water transfer or changes  
SB 5718 f Reflexologists  
SB 5725 f Direct pay permits  
SB 5728 f Workers' compensation  
SB 5738 f Snowmobile registration fees  
SB 5741 f Managed competition/trans  
SB 5742 Public works/design-build  
SB 5750 f Right-of-way acquisition  
SB 5770 f Higher education tuition  
SB 5781 f Fruit & vegetable district fund  
SB 5782 f Seat belt laws  
SB 5783 f Candidates/elected offices  
SB 5788 Whistleblower  
SB 5794 Guardianship proceedings  
SB 5797 f Workers' compensation  
SB 5799 f Digital signatures  
SB 5800 Disclosure/port districts  
SB 5803 f Significant legislative rules  
SB 5808 Farmer-produced bottled wine  
SB 5809 Breastfeeding

SB 5811 f Juvenile social services  
SB 5822 DNR supervisors  
SB 5823 Student improvement goals  
SB 5826 f Collective bargaining/U.W.  
SB 5827 f Enforcement of judgments  
SB 5831 f Body-gripping traps  
ESB 5833 f Initiatives and referendums  
SB 5847 Dishonored checks  
SB 5851 f Pesticides  
SB 5859 Blanket primary  
SB 5860 f Surface mining  
SB 5865 Vehicle immobilization  
SB 5868 f Cable subscriber info  
SB 5873 Day labor limits/inflation  
SB 5883 f Water supply/growth management  
SB 5884 f Local park & rec task force  
SB 5887 Ethics in public service  
SB 5911 Water rights examiners  
SB 5915 f Wetlands mitigation projects  
SB 5922 f Water rights appeals  
SB 5927 f Prevailing wage  
SB 5933 f Home carcinogens & allergens  
SB 5935 Civil forfeitures of property  
SB 5941 Inheritance rights/parents  
SB 5949 f Motorists info sign panels  
SB 5951 f Payment of wages  
SB 5960 Prescription products  
SB 5963 f Juvenile offender parenting  
SB 5969 Employee /employee information  
SB 5975 f Family law court files  
SB 5976 f Grandparents/birth records  
SB 5977 f Leasehold excise tax  
SB 5980 Motor fuel marketing  
SB 6000 Optometrists  
SB 6009 f Women's correctional center  
SB 6016 Conservation districts  
SB 6033 f College payment program  
SB 6034 f Enhanced 911 excise tax  
SB 6060 Hazardous substance tax  
SB 6061 Firemen's pension boards  
SB 6069 f School buildings  
SB 6070 f Growth management  
SB 6078 Medicare beneficiary  
SB 6080 f Fireworks & explosives  
SB 6081 f Developmental disabilities  
SB 6108 Water right certificate  
SB 6113 HOV lanes  
SB 6129 House of representatives  
SB 6137 School employee strikes  
SB 6171 \$ Supplemental capital budget  
SB 6172 Regional transportation  
SB 6187 Public facilities/rural counties  
SJM 8002 Formation of a new state  
SJM 8010 Lieutenant Kinkele  
SJM 8011 Filipino Veterans  
SJM 8013 Sales tax deduction/federal tax  
SJM 8014 Disabled persons  
SJM 8021 Teachers  
SJR 8218 State representatives/election  
SSCR 8403 State and tribal relations  
SCR 8412 State boundaries committee

### THIRD READING

ESSB 5024 Parks & recreation commission  
SSB 5028 Medical billing statements  
SB 5035 f Financial services regulation fund  
SSB 5049 f Child placement  
ESB 5058 Public record protection  
SB 5064 f Cheating at gambling  
SB 5065 City/town elected officials

SSB 5068 Credit unions  
SSB 5070 Jury service  
SSB 5078 f Vehicle license fees  
SSB 5085 f Hypoglycemia/students  
SB 5091 f Ferry queues  
SB 5093 Unlawful dumping of litter  
E2SSB 5094 f Call centers  
SSB 5097 f POW/MIA flag  
SSB 5099 Medical directors  
SSB 5100 f Existing water rights  
SB 5102 f Nonprofit hospitals  
SB 5104 f County conservation futures levy  
SSB 5107 Rural counties/growth management  
SSB 5112 Child restraint systems  
ESSB 5113 Motorized scooters  
SSB 5115 f Court filing fees  
SSB 5126 Pipeline safety act  
SB 5130 f Toll bridges  
SB 5138 f Weighing stations  
SB 5141 Nonpartisan sheriffs  
SB 5144 f LEOFF plan I  
SB 5147 Retirement systems  
SB 5151 TERS  
ESB 5156 Superior court judges  
SB 5159 f Investing surplus funds  
SSB 5166 f Higher education  
2SSB 5170 f Commute trip reduction  
SSB 5176 Medical marijuana  
ESSB 5179 f Victim notification  
SSB 5183 f Adult family homes  
SB 5186 f Family planning services  
SB 5188 Surplus political funds  
SB 5189 f Unemployment insurance  
SSB 5190 f Private investigators  
ESSB 5207 DNA testing  
SSB 5211 f Mental health benefits  
SB 5220 \$ Multiple sclerosis survey  
SSB 5235 PACE program  
ESSB 5236 f Newborn infant safety  
SSB 5240 Emission inspection fee  
SB 5246 Salmon recovery grants  
SB 5253 f Civil jury trial fees  
SB 5260 Ignition interlock  
SB 5262 f Crimes against property  
ESSB 5264 f Public employees/unfair practices  
SSB 5266 Thoroughbred horses/tax exempt  
SB 5272 Election notice  
SB 5276 f Apprenticeship law  
SSB 5282 DNA/insurance  
SSB 5283 DNA/employment  
SSB 5284 DNA/genetic testing  
2ESSB 5291 Immunizations/long-term care  
SSB 5292 Public energy projects  
SB 5296 f Tobacco/minors  
ESB 5299 f Nonconsumptive wildlife activity  
SB 5308 Electricians/installations  
SB 5315 f Drinking water  
ESSB 5329 f Crime victims employment leave  
2SSB 5336 f Attorney loan repayment program  
SSB 5344 \$ Legislative building  
ESSB 5345 \$ Operating budget  
SSB 5347 \$ Capital budget  
SB 5352 f Building code council fee  
SSB 5355 Liability/state employees  
SSB 5361 Water rights  
SB 5362 Regional transit authorities  
ESSB 5364 Drivers' licenses/id cards  
SSB 5369 f Child support/jurisdiction  
SSB 5370 CTED  
SB 5373 Civil actions/arbitration

SSB 5376 f Household goods carriers  
SB 5379 Cougar/state animal  
SB 5390 f Orthotic devices  
ESB 5394 Judges pro tempore  
SSB 5395 Administrator for the courts  
SSB 5400 Community economic revitalization  
ESSB 5416 f Drug-affected infants  
E2SSB 5419 Chemical dependency treatment  
SB 5426 County law library funding  
SB 5430 f Cranial hair prostheses  
SSB 5433 f Parent child relationship  
SB 5437 Hunting & fishing licenses  
SB 5439 Fishing guides  
SB 5451 f Gender motivated crimes  
SB 5454 Juvenile offender basic training  
SB 5457 f Private vocational schools  
ESB 5459 f Crimes related to mail  
ESSB 5465 Sex offender treatment providers  
2SSB 5469 f Tax deferrals/distressed areas  
SB 5478 f Lead- based paint  
ESSB 5488 Special license plates  
SB 5493 Youth athletic facility account  
ESSB 5500 f BECCA and HOPE acts  
SSB 5510 Telecommunications  
SSB 5511 Parenting plans  
SB 5513 f Transportation employees/motorists assault  
2SS 5514 Public facility districts  
2ESSB 5522 f Mental health ombudsman  
SB 5523 f Leased equipment/tax overpayment  
SB 5527 Private clubs/liquor  
2ESSB 5528 f Schools/bullying  
SSB 5537 f Internet adoption  
2SSB 5540 f Energy assistance programs  
ESSB 5541 f Wind/sun generating facility  
SSB 5543 Student safety  
SB 5546 f State board of education  
SSB 5552 Border county higher education  
SSB 5557 Alcohol or drug test  
ESB 5570 Credit unions  
ESSB 5571 License plates/future farmer  
SSB 5573 Raffles/students  
2SSB 5576 Public asst asset tests  
SB 5582 Teachers/lapsed certification  
SSB 5586 f Water resource inventory  
SB 5591 Caregiver jury duty exemption  
SB 5594 Housing authorities  
ESSB 5598 f Athletic trainers  
SSB 5601 Limited medical license  
ESSB 5610 Traffic safety cameras  
ESB 5624 Fire protection/bldg safety  
2E2SSB 5625 Academic achievement commission  
SB 5627 Veterans' & military affairs  
SB 5629 OFM agency requirements  
SB 5633 f Hazardous materials  
SSB 5647 f Energy efficiency standards  
ESSB 5674 f Washington climate center  
SSB 5679 HIV/AIDS prevention  
SSB 5681 f Fire-fighting apparatus  
SB 5683 Building code council  
ESB 5692 f Youth court  
SB 5699 f State scholars program  
SB 5708 Alcohol & drug use/insurance  
SSB 5717 \$ Low-income energy asst program  
SSB 5720 f Community revitalization  
SB 5735 Motorcycle taillights  
SB 5739 Special needs transportation  
2ESSB 5743 f Transportation/human resources  
ESSB 5748 Transportation/land use plan  
3ESSB 5749 f Transportation planning  
ESSB 5755 f Transportation commission  
2ESSB 5759 Highway improvements  
2ESSB 5760 f Transportation systems

3ESSB 5764 f Transportation facilities/assets  
ESSB 5765 Environmental permit/transportation  
SSB 5776 f Insurance/confidentiality  
ESSB 5777 f Retirees/health care benefits  
SSB 5791 Law enforcement officers/actions  
SSB 5792 Wine and cider  
SSB 5793 f Holding company act  
SSB 5795 f Special parking privileges  
SSB 5813 Wine/off-premise consumption  
2SSB 5820 f Breast/cervical cancer  
SB 5829 Local governments  
SB 5832 Short subdivisions  
ESB 5835 f Epinephrine  
SB 5836 Community health center facilities  
SSB 5837 f State oyster reserve lands  
SSB 5841 f Growth management act  
ESSB 5845 f Sexually violent predators  
ESB 5852 Racial profiling  
SB 5870 Campaign finances  
2ESB 5872 f Property tax  
SSB 5875 f Telecommunications devices  
SB 5878 Refuse collection vehicles  
SSB 5880 f Forest products commission  
ESB 5882 f Musculoskeletal disorders  
SB 5886 f Criminal insanity exams  
ESB 5888 Legal newspaper  
SSB 5894 f Taxation of lodging  
SSB 5902 Agricultural commissions  
ESSB 5904 Conservation district election  
SSB 5906 f Schools/technology  
2SSB 5909 Vessels/financial responsibility  
2SSB 5912 f Energy facilities  
SSB 5914 Water rights  
E2SSB 5936 f Low-income housing  
SSB 5946 Appraisers/school districts  
ESB 5954 Obsolete racial terminology  
ESB 5959 Local motor vehicle taxes  
2SSB 5965 f Local real estate excise tax  
SSB 5984 f Child dependency & foster parents  
ESSB 5997 f Fairs/license plates  
SB 5999 f Telephone assistance program  
2ESB 6001 Fire code inspections  
SSB 6008 f Commute trip reduction  
SB 6025 Gasoline additives  
2SSB 6027 f Electricity  
SB 6036 Local motor vehicle excise tax  
SSB 6037 f Veterinarian services  
ESSB 6076 f Fish & wildlife law enforcement  
SB 6092 Property tax exemption  
SSB 6098 Tax structure study  
ESB 6126 PUD repair service  
E2SSB 6140 f Regional trans investment  
2ESSB 6166 f LEOFF plan 1  
2SSB 6177 State energy supply  
ESB 6183 Primaries  
ESB 6208 \$ Growth management/shoreline program  
SSJM 8000 Columbia River salmon/trout  
SJM 8001 Prescription drug cooperative program  
SJM 8004 Oil spill tug boat  
SJM 8005 Vessel safety standards  
SJM 8007 Internet pornography  
SJM 8012 Wholesale energy costs  
SSJM 8015 California/power rates  
SJM 8023 Hanford Reservation cleanup  
SJR 8206 Initiative petitions  
SJR 8209 Investment board funds  
SSCR 8404 Work force training and education  
SCR 8406 Legislator trade mission  
SCR 8410 Wireless communication

## SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8424 by Senators Snyder and West

Establishing cutoff dates

The concurrent resolution was read the second time.

### SENATE CONCURRENT RESOLUTION NO 8424

By Senators Snyder and West

WHEREAS, It is of paramount importance to establish cutoff dates for the consideration of legislation during the 2002 Regular Session of the Fifty-Seventh Legislature;

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

(1) Friday, February 8, 2002, the twenty-sixth day, will be the final day to read in committee reports in the house of origin with the exception of reports from the Senate Ways and Means and Transportation committees and House of Representatives fiscal committees;

(2) Tuesday, February 12, 2002, the thirtieth day, will be the final day to read in Senate Ways and Means, Senate Transportation, and House of Representatives fiscal committee reports in the house of origin;

(3) Tuesday, February 19, 2002, the thirty-seventh day, at 5:00 p.m., will be the final time to consider bills in their house of origin;

(4) Friday, March 1, 2002, the forty-seventh day, will be the final day to read in committee reports on bills from the opposite house with the exception of reports from the Senate Ways and Means, Senate Transportation, and House of Representatives fiscal committees;

(5) Monday, March 4, 2002, the fiftieth day, will be the final day to read in Senate Ways and Means, Senate Transportation, and House of Representatives fiscal committee reports on bills from the opposite house; and

BE IT FURTHER RESOLVED, That after 5:00 p.m. on Friday, March 8, 2002, the fifty-fourth day, neither house may consider any bills, memorials, or joint resolutions except initiatives to the legislature and alternatives to such initiatives, messages pertaining to amendments, matters of differences between the two houses, and matters incident to the interim and to the closing of the business of the 2002 Regular Session of the Legislature.

#### MOTION

Senator Betti Sheldon moved that the rules be suspended and Senate Concurrent Resolution No. 8424 be advanced to third reading, the second reading considered the third and the concurrent resolution be adopted.

Senator Snyder explained the cutoff dates proposed in Senate Concurrent Resolution No. 8424.

The President declared the question before the Senate to be the motion by Senator Betti Sheldon that the rules be suspended and Senate Concurrent Resolution No. 8424 be advanced to third reading and adopted.

The motion by Senator Betti Sheldon carried and Senate Concurrent Resolution No. 8424 was adopted.

SENATE CONCURRENT RESOLUTION NO. 8424 was adopted by voice vote.

#### REPORT OF COMMITTEE

The Senate Committee composed of Senators Haugen and Benton appeared before the bar of the Senate and reported that the Governor had been notified, under the provisions of Senate Concurrent Resolution No. 8422, that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

#### HAPPY BIRTHDAY WISHES TO SENATOR HAUGEN

The President extended Happy Birthday wishes to Senator Haugen.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4420,

HOUSE CONCURRENT RESOLUTION NO. 4421, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

January 14, 2002

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4420 by Representatives Kessler and Mastin

Resolving to meet to receive the state of the state message from Governor Gary Locke.

HCR 4421 by Representatives Kessler and Mastin

Revising the joint rules pertaining to conference committees.

MOTIONS

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4420 was advanced to second reading and read the second time.

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4420 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted. HOUSE CONCURRENT RESOLUTION NO. 4420 was adopted by voice vote.

MOTIONS

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4421 was advanced to second reading and read the second time.

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4421 was advanced to third reading, the second reading considered the third and the concurrent resolution was adopted.

Debate ensued.

HOUSE CONCURRENT RESOLUTION NO. 4421 was adopted by voice vote.

**HOUSE CONCURRENT RESOLUTION 4421**

**JOINT RULES  
OF THE SENATE AND THE  
HOUSE OF REPRESENTATIVES**

**FIFTY-SEVENTH LEGISLATURE**

**((2001)) 2002**

**JOINT RULE NO.**

**Rule 1 Ethics.**

**Rule 2 Prohibited political activity.**

**Rule 3 Employee protection.**

**Rule 4 Legislative questionnaires.**

**Rule 5 Sessions of the legislature.**

**Rule 6 Joint session.**

**Rule 7 Motions for joint session.**

**Rule 8 Business limited.**

**Rule 9 Joint legislative committees.**

**Rule 10 Joint committee hearings.**

**Rule 11 Joint and concurrent resolutions: Memorials.**

**Rule 12 Amendatory bills.**

**Rule 13 Bills, how drawn.**

**Rule 14 Amendments to state Constitution: Action by legislature.**

**Rule 15 Publicity of proposed amendments to state Constitution.**

*Rule 16 Initiative petition before the legislature.*  
*Rule 17 Conference committee.*  
*Rule 18 Failure to agree.*  
*Rule 19 Report of conference committee, how made out; whom returned to.*  
*Rule 20 Adoption of reports.*  
*Rule 21 Messages between the two houses.*  
*Rule 22 Bills to be engrossed.*  
*Rule 23 Final action on bills, how communicated.*  
*Rule 24 Enrolled bills--Presiding officer to sign.*  
*Rule 25 Disposition of enrolled bills*  
*Rule 26 Adjournment.*  
*Rule 27 Adjournment sine die.*  
*Rule 28 Each house judge of its own membership.*  
*Rule 29 Convening special legislative sessions.*  
*Rule 30 Amendments to joint rules.*  
*Rule 31 Joint rules to apply for biennium.*

### **Ethics**

*Rule 1. Legislators and legislative employees are subject to the provisions of the Ethics in Public Service Act, chapter 42.52 RCW. The house of representatives and senate may impose disciplinary action for violations of the act. Disciplinary actions for violation include: In the case of a legislator, reprimand, censure, or expulsion, and when applicable, restitution; and in the case of a legislative employee, reprimand, suspension, or dismissal, and when applicable, restitution.*

### **Prohibited Political Activity**

*Rule 2. (1) A legislator shall not knowingly solicit, directly or indirectly, a political contribution from a legislative employee.*

*(2) A legislative employee shall not knowingly solicit or accept contributions for any candidate or political committee during working hours. At no time shall a legislative employee directly or indirectly solicit a contribution from another legislative employee for any legislative candidate, caucus political committee, or leadership political committee, nor coerce another employee into making a contribution to any candidate or political committee. No legislative employee, as a condition of becoming or remaining employed, may directly or indirectly be required to make any contribution to a political candidate, committee, or party.*

### **Employee Protection**

*Rule 3. No retaliation shall be permitted against any legislative employee for reporting in good faith the violation of any policy or law.*

### **Legislative Questionnaires**

*Rule 4. (1) The use of public funds by a legislator for questionnaires distributed by regular mail or electronic means is authorized only if the following criteria are met:*

- (a) The questionnaire is limited to soliciting opinions or facts relating to legislative issues or studies;*
- (b) The questionnaire is specifically authorized by the legislator and the identity of the legislator sponsoring the questionnaire is disclosed on the questionnaire; and*
- (c) The questionnaire complies with all other pertinent statutes, rules, and policies, including the restrictions in subsection (2) of this rule on when questionnaires can be mailed.*

*(2)(a) During the twelve-month period beginning on December 1st of the year before a general election for a legislator's election to office and continuing through November 30th immediately after, mass mailing by regular or electronic means of a questionnaire is allowed only if it is included in the identical newsletter to constituents permitted at the beginning of a legislative session under RCW 42.52.185.*

*(b) In any year in which a legislator is a candidate for another public office, no questionnaire may be sponsored by or authorized on behalf of such legislator during the period between June 1st and the general*

*election of that year, or in the event of a special election, during the period between sixty days before the election or the date of the legislator's filing for the office, whichever occurs later, and the special election.*

*(3) The use of public funds by a legislative committee, for questionnaires distributed by regular mail or electronic means, is authorized only if the following criteria are met:*

- (a) The questionnaire is limited to soliciting opinions or facts relating to legislative issues or studies;*
- (b) The questionnaire is authorized by the committee membership and the identity of the committee sponsoring the questionnaire is disclosed on the questionnaire;*
- (c) The questionnaire complies with all other pertinent statutes, rules, and policies; and*
- (d) The questionnaire is approved by the secretary of the senate or the chief clerk of the house of representatives, as appropriate.*

#### **Sessions of the Legislature**

*Rule 5. The sessions of the legislature shall be held annually, convening at 12:00 o'clock noon on the second Monday of January each year, as provided by RCW 44.04.010 in accordance with Art. 2, section 12 of the state Constitution.*

#### **Joint Session**

*Rule 6. Whenever there shall be a joint session of the two houses, the proceedings shall be entered at length upon the journal of each house. The lieutenant governor or president of the senate shall preside over such joint session, and the clerk of the house of representatives shall act as the clerk thereof, except in the case of the joint session held for the purpose of canvassing the votes of constitutional elective state officers, when the speaker shall preside over such joint sessions. The lieutenant governor in no case shall have the right to give the deciding vote.*

#### **Motions for Joint Session**

*Rule 7. All motions for a joint session shall be made by concurrent resolution to be introduced by the house in which such joint session is to be held; and when an agreement has once been made, it shall not be altered or annulled, except by concurrent resolution.*

#### **Business Limited**

*Rule 8. No business shall be considered in joint session other than that which may be agreed upon before the joint session is called.*

#### **Joint Legislative Committees**

*Rule 9. Joint legislative committees may be created by concurrent resolution originating in either house and passed by a majority vote of both houses.*

*Joint legislative committees may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a joint legislative committee may issue any process, the committee chairperson shall submit for approval of both the executive rules committee of the house of representatives and the rules committee of the senate, a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by both the executive rules committee of the house of representatives and the rules committee of the senate. The process shall be limited to the named individuals.*

#### **Joint Committee Hearings**

*Rule 10. All public hearings held by joint committees or held jointly by house of representatives and senate standing committees shall be scheduled in accordance with the public notice requirements of both the senate and the house of representatives.*

#### **Joint and Concurrent Resolutions; Memorials**

**Rule 11. All memorials and resolutions from the legislature addressed to the President of the United States, to the Congress or either house thereof, to any other branch of the Federal government, to any other branch of state government, or to any unit of local government shall be in the form of joint memorials. Proposed amendments to the state Constitution shall be in the form of joint resolutions. Business between the two houses such as joint sessions, amendments to redistricting plans submitted by a redistricting commission created under chapter 44.05 RCW, adopting or amending joint rules, creating or empowering joint committees, opening and closing business of the legislature and all such related matters shall be in the form of concurrent resolutions. Joint memorials, joint resolutions, and concurrent resolutions, up to and including the signing thereof by the presiding officer of each house, shall be subject to the rules governing the course of bills. Concurrent resolutions may be adopted without a roll call. Concurrent resolutions amending a redistricting plan submitted by a redistricting commission, authorizing investigations or authorizing the expenditure or allocation of any money must be adopted by roll call, and the yeas and nays recorded in the journal. Concurrent resolutions amending a redistricting plan as well as all amendments to those resolutions must be agreed to by two-thirds of the members elected or appointed to each house.**

#### **Amendatory Bills**

**Rule 12. All amendatory bills shall refer to the section or sections of the official codes and statutes of Washington, and supplements thereto and to the respective Session Laws, to be amended.**

#### **Bills, How Drawn**

**Rule 13. Bills introduced in either house intended to amend existing statutes shall have the words which are amendatory to such existing statutes underlined. Any matter to be deleted from the existing statutes shall be indicated by lining out such matter with a broken line and enclosing the lined out material within double parentheses, and no bill shall be printed or acted upon until the provisions of this rule shall have been complied with.**

**New sections need not be underlined but shall be designated "NEW SECTION." in upper case type and such designation shall be underlined.**

**Sections of a bill that repeal a prior enactment shall include the section caption accompanying the section in the Revised Code of Washington.**

**No bill shall be introduced by title only, and, in the event a bill is not complete, at least section 1 shall be set forth in full before the bill may be accepted for introduction.**

**Amendments to bills will be acted upon in the manner provided in the Rules of the Senate and in the Rules of the House of Representatives. No amendment to a bill shall be considered which strikes the entire subject matter of a bill, and substitutes in lieu thereof entirely new subject matter not germane to the original or engrossed bill.**

#### **Amendments to State Constitution; Action by Legislature**

**Rule 14. Amendments to the state Constitution may be proposed in either branch of the legislature by joint resolution; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals with the yeas and nays thereon. (Const., art. 23, sec. 1.)**

#### **Publicity of Proposed Amendments to State Constitution**

**Rule 15. The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication as soon as possible before the election at which they are to be voted upon. (Const., art. 2, sec. 1e.)**

#### **Initiative Petition Before the Legislature**

**Rule 16. Initiative petitions filed with the secretary of state not less than ten days before any regular session of the legislature shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. Upon certification from the secretary of state that an initiative to the**

legislature has received sufficient valid signatures, the secretary of state shall submit certified copies of the said initiative to the state senate and the house of representatives. Upon receipt of said initiative, each body of the legislature through its presiding officers shall refer the certified copies of the initiative to a proper committee.

Upon receipt of a committee report on an initiative to the legislature, each house shall treat the measure in the same manner as bills, memorials and resolutions, except that initiatives cannot be placed on the calendar for amendment. After the action of each body has been recorded on the final passage or any other action by resolution or otherwise which may refer the initiative to the people has been recorded, the president and secretary of the senate and the speaker and chief clerk of the house of representatives will certify, each for its own body, to the secretary of state the action taken. (Const., art. 2, sec. 1a.)

#### Conference Committee

**Rule 17. (1)** In every case of difference between the two houses, upon any subject of legislation, either house may request a conference and appoint a committee for that purpose, and the other house may grant the request for a conference and appoint a committee to confer. ~~((The senate shall appoint a committee of three with two members from the majority caucus and one from the minority caucus. The house of representatives shall appoint a committee of four with two members from each political caucus.))~~ The presiding officer of each house shall appoint on each conference committee three members, selecting them so as to represent, in each case, the majority and minority positions to the extent possible as relates to the subject matter, and the majority and minority caucuses. The committees, at the earliest possible hour, shall confer upon the differences between the two houses indicated by the amendment or amendments adopted in one house and rejected in the other.

(2) Conference committee deliberations shall be conducted in a manner consistent with the provisions of Senate Rule 45(3) and House Rule 24(8) applicable to deliberations of standing committees.

(3) Public notice of a conference committee meeting shall be given by the secretary of the senate, for house bills, and the chief clerk of the house of representatives, for senate bills, prior to the convening of the meeting as follows:

(a) By posting a written notice in the following locations:

(i) The office of the secretary or clerk, as appropriate;

(ii) Near the doors of the appropriate chamber;

(iii) The legislative bill room; or

(iv) The public legislative message center;

(b) By announcing meetings during sessions of the senate and house of representatives; or

(c) By posting meeting notices on the legislature's electronic mail system.

(4) The papers shall be left with the conferees of the house of representatives if a senate bill, and with the conferees of the senate, if a house bill, and the holders of the papers shall first present the report of the committee to their house. Every report of a conference committee

must have the signatures of a majority of the conference committee members of each house. Conference committee reports must be signed at a meeting duly convened by the chief clerk of the house of representatives for senate bills or the secretary of the senate for house bills.

#### Failure to Agree

**Rule 18.** In case of failure of the conferees to agree on matters directly at issue between the two houses, the committee may in addition consider new proposed items within the scope and object of the bill in conference. A report proposing new items shall include all amendments to the bill or resolution agreed upon by the conference committee. The proposed report may be in the form of a new bill or resolution and such report must have the signatures of a majority of the members of the committee appointed from each house.

#### Report of Conference Committee, How Made Out; Whom Returned to

**Rule 19.** The conference committee shall submit the bill as amended together with three signed copies of its report to the house of representatives if a senate bill, and to the senate, if a house bill. A copy of the report shall be placed upon the desk of each member of the legislature at the time the report is

received by this house. If this house acts to approve the report and pass the bill as amended, it shall then transmit its action, the bill, and two copies of the report to the other house.

#### **Adoption of Reports**

**Rule 20.** No floor vote may be taken on any conference committee report without a distribution to all members of a summary of additions, changes, and deletions made by the conference committee with a reference in each instance to the page and line number or numbers in the report containing said additions, changes, or deletions. The clerk and the secretary shall place the reports on the desks of the members as soon as possible.

Each house shall have twenty-four hours from the time of proper receipt, by the chief clerk of the house of representatives and the secretary of the senate, and by distribution to the desks of the members before considering reports from a conference committee which has proposed new items within the scope and object of the bill in conference.

The foregoing provision relating to twenty-four hour intervals may be suspended by the senate or the house of representatives by two-thirds vote of the members present, and such suspension shall apply only to the house voting to suspend this provision.

The report must be voted upon in its entirety and cannot be amended. The report of a conference committee may be adopted by acclamation.

Passage of a bill as amended by conference report shall be by roll call and ayes and nays shall be entered on the journals of the respective house. Passage requires a constitutional majority in both houses, except in the case of constitutional amendments, which require a two-thirds vote.

#### **Messages Between the Two Houses**

**Rule 21.** Messages from the senate to the house of representatives shall be delivered by the secretary or the secretary's designee, and messages from the house of representatives to the senate shall be delivered by the chief clerk or the chief clerk's designee.

#### **Bills to be Engrossed**

**Rule 22.** Any bill amended in the house of its origin shall be engrossed before being transmitted to the other house. The secretary or clerk of the receiving house, as the case may be, may waive the right to receive an engrossed bill.

#### **Final Action on Bills, How Communicated**

**Rule 23.** Each house shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the secretary or clerk of the house from which such notice is sent.

#### **Enrolled Bills - Presiding Officer to Sign**

**Rule 24.** After a bill shall have passed both houses and all amendments have been engrossed therein, it shall be signed by the presiding officer of each house in open session, first in the house in which it originated. The secretary of the senate or the chief clerk of the house of representatives shall present the original bill to the governor for signature.

#### **Disposition of Enrolled Bills**

**Rule 25.** Whenever any bill shall have passed both houses, the house transmitting the bill in its final form to the governor shall also file with the secretary of state a copy of the bill together with the history of such bill up to the time of transmission to the governor.

#### **Adjournment**

**Rule 26.** Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other. (Const., art. 2, sec. 11.)

### **Adjournment Sine Die**

**Rule 27. Adjournment sine die shall be made only by concurrent resolution.**

### **Each House Judge of Its Own Membership**

**Rule 28. Each house of the legislature is the judge of the qualifications and election of its members, and shall try all contested elections of its members in such manner as it may direct. (Const., art. 2, sec. 8.)**

### **Convening Special Legislative Sessions**

**Rule 29. The legislature may convene a special legislative session as follows:**

**(1) A resolution calling for convening a special legislative session shall set forth the date and time for convening the session, the duration of the session which shall not exceed thirty days, together with the purpose or purposes for which such session is called. Members of the house of representatives or senate may present a proposed resolution for the convening of a special legislative session to the committee on rules of their respective houses.**

**(2) The authority to place a resolution convening a special legislative session before the legislature is vested in the committee on rules of the house of representatives and the committee on rules of the senate.**

**(3) Upon a majority vote of both the committee on rules of the house of representatives and the committee on rules of the senate in favor of a resolution convening a special legislative session, a vote of the house of representatives and senate shall be taken on such resolution.**

**(4) The chief clerk of the house of representatives and the secretary of the senate shall conduct the vote on the resolution by written ballot of the members of their respective houses under such procedures as may be ordered by the committee on rules of their house. The results of such vote shall be transmitted to the members of the legislature and shall be a public record and shall be entered upon the journal of the house of representatives and senate at the convening of the next legislative session.**

**(5) If two-thirds of the members elected or appointed to each house vote in favor of the resolution, then a special legislative session shall be convened in accordance with the resolution. (Const., art. 2, sec. 12.)**

### **Amendments to Joint Rules**

**Rule 30. These joint rules may be amended by concurrent resolution agreed to by a majority of the members of each house, provided one day's notice be given of the motion thereof.**

### **Joint Rules to Apply for Biennium**

**Rule 31. The permanent joint rules adopted by the legislature shall govern any session called during the same legislative biennium.**

### **COMMITTEE FROM THE HOUSE**

A committee from the House of Representatives consisting of Representatives Berkey, Holmquist, Schoesler and Sullivan appeared before the bar of the Senate and notified the Senate that the House is organized and ready to transact business.

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

### **REPORT OF COMMITTEE**

The Senate Committee composed of Senators Poulsen, Keiser, Parlette and Carlson appeared before the bar of the Senate and reported that the House of Representatives had been notified that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

### **STANDING COMMITTEE ASSIGNMENTS**

The President announced the following changes to the 2002 Senate Standing Committee assignments:

Senator Kastama is appointed to replace Senator Constantine on the Committee on Rules;

Senator Poulsen is appointed to replace Senator Constantine on the Committee on Ways and Means, the Committee on Judiciary and the Committee on Natural Resources, Parks and Shorelines; and appointed to replace Senator Gardner on the Committee on Rules.

Senator Keiser is appointed to replace Senator Patterson on the Committee on Transportation, the Committee on State and Local Government, the Committee on Environment, Energy and Water; and the Committee on Labor, Commerce and Financial Institutions.

**Membership of  
Senate Standing Committees**

**2002**

**Agriculture and International Trade (7) -- Rasmussen, Chair; Shin, Vice Chair;** Parlette, Sheahan, Snyder, Spanel, \*Swecker.

**Economic Development and Telecommunications (9) -- T. Sheldon, Chair; B. Sheldon; Vice Chair;** Brown, Fairley, Finkbeiner, Haugen, McCaslin, Rossi, \*Stevens.

**Education (13) -- McAuliffe, Chair; Eide, Vice Chair;** Carlson, \*Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala, Zarelli.

**Environment, Energy and Water (9) -- Fraser, Chair; Regala, Vice Chair;** Eide, Hale, Honeyford, Jacobsen, Keiser, McDonald, \*Morton.

**Health and Long Term Care (7) -- Thibaudeau, Chair; Franklin, Vice Chair;** Costa, \*Deccio, Fraser, Parlette, Winsley.

**Higher Education (9) -- Kohl-Welles, Chair; Shin, Vice Chair;** Carlson, \* Horn, Jacobsen, McAuliffe, Parlette; B. Sheldon, Sheahan.

**Human Services and Corrections (9) -- Hargrove, Chair; Costa, Vice Chair;** Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, \*Long, Stevens.

**Judiciary (11) -- Kline, Chair; Kastama, Vice Chair;** Costa, Hargrove, Johnson, Long, \*McCaslin, Poulsen, Roach, Thibaudeau, Zarelli.

**Labor, Commerce and Financial Institutions (13) -- Prentice, Chair; Keiser, Vice Chair;** Benton, Deccio, Fairley, Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala, West, \*Winsley.

**Natural Resources, Parks and Shorelines (9) -- Jacobsen, Chair; Poulsen, Vice Chair;** Hargrove, McDonald, Morton, \*Oke., Snyder, Spanel, Stevens.

**Rules (17) \*\*Lt. Governor Owen, Chair; Franklin, Vice Chair;** Costa, Deccio, Eide, Hale, Hochstatter, Horn, Johnson, Kastama, Poulsen, \*Sheahan, B. Sheldon, Shin, Snyder, Spanel, West.

**State and Local Government (11) -- Gardner, Chair; Fairley, Vice Chair;** Hale, Haugen, Horn, Keiser, Kline, McCaslin, \*Roach, T. Sheldon, Swecker.

**Transportation (17) -- Haugen, Chair; Gardner, Vice Chair;** \*Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice, T. Sheldon, Shin, Swecker.

**Ways and Means (21) -- Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair;:** Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Roach, \*Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley, Zarelli.

\* Ranking Minority Member

\*\* Lt. Gov. Owen is a voting member

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

May 4, 2001

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Amit Ranade, to be appointed June 1, 2001, for a term ending May 31, 2002, as a member of the Board of Regents for the University of Washington.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

May 17, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Jose Ruiz, reappointed May 17, 2001, for a term ending April 3, 2005, as a member of the State Board for Community and Technical Colleges.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 9, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Erin Munding, appointed July 9, 2001, for a term ending April 3, 2004, as a member of the State Board for Community and Technical Colleges.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 18, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Sherada C. Washington, appointed July 18, 2001, for a term ending September 30, 2003, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 19, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Ron Serpas, appointed July 19, 2001, for a term ending at the pleasure of the Governor, as Chief of the Washington State Patrol.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Transportation.

July 25, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Pete Crane, appointed July 25, 2001, for a term ending September 30, 2005, as a member of the Board of Trustees for Olympic Community College District No. 3.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

July 25, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Edie Rice-Sauer, appointed to a partial term beginning July 23, 2001, and ending December 5, 2001, and for a full term beginning December 6, 2001, and ending December 5, 2005, as a member of the Eastern Washington State Hospital Advisory Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

July 30, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Dallas Barnes, appointed July 30, 2001, for a term ending June 17, 2006, as a member of the Human Rights Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Judiciary.

August 6, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Melinda E. Travis, appointed August 6, 2001, for a term ending August 2, 2003, as a member of the Lottery Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Labor, Commerce and Financial Institutions.

August 17, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
James Winterstein, to be reappointed September 1, 2001, for a term ending March 1, 2003, as a member of the Board of Tax Appeals.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Ways and Means.

August 27, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Rebecca Hille, appointed August 27, 2001, for a term ending January 19, 2004, as a member of the Board of Pharmacy.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

August 27, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Kenneth J. Martin, to be reappointed October 1, 2001, for a term ending September 30, 2007, as a member of the Board of Trustees for Central Washington University.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 12, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
James O. Luce, to be appointed September 17, 2001, for a term ending coextensive with the term of the Governor (January 10, 2005), as Chair of the Energy Facility Site Evaluation Council.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Environment, Energy and Water.

September 13, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Russ Cahill, reappointed September 13, 2001, for a term ending December 31, 2006, as a member of the Fish and Wildlife Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Shorelines.

September 13, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Ronald D. Ozment, appointed September 13, 2001, for a term ending December 31, 2006, as a member of the Fish and Wildlife Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Shorelines.

September 13, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Robert L. Tuck, reappointed September 13, 2001, for a term ending December 31, 2006, as a member of the Fish and Wildlife Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Shorelines.

September 14, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Bonnie C. Boyle, to be reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Clover Park Technical College District No. 29.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 14, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Dennis R. Colwell, to be reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 14, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Jerry R. Hendrickson, to be reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Walla Walla Community College District No. 20.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 14, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

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

Sheryl S. Hershey, to be reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Bellingham Technical College District No. 25.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 14, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ronald W. Johnson, to be reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Peninsula Community College District No. 1.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 14, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tom Kneeshaw, to be reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 14, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Yvonne Sanchez, to be reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 14, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Phyllis S. Self, to be reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Whatcom Community College District No. 21.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 19, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Larry Brown, to be reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Green River Community College District No. 10.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 19, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frank L. Cassidy, Jr., reappointed September 19, 2002, for a term ending January 15, 2005, as a member of the Pacific Northwest Electric Power and Conservation Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Environment, Energy and Water.

September 19, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
J. Micheal Emerson, to be reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Highline Community College District No. 9.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

September 24, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Jim Spady, reappointed September 24, 2001, for a term ending June 30, 2005, as a member of the Academic Achievement and Accountability Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Bob Meyers, appointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 1, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Margaret M. Smith, reappointed October 1, 2001, for a term ending September 23, 2005, as a member of the Clemency and Pardons Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Judiciary.

October 2, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Holly Parker Jensen, reappointed October 2, 2001, for a term ending July 1, 2005, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Education.

October 2, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Bruce Romanish, appointed October 2, 2001, for a term ending July 1, 2002, as a member of the Board of Trustees for the State School for the Deaf.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Education.

October 2, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Joel Robert Rupley, reappointed September 28, 2001, for a term ending January 1, 2007, as a member of the Forest Practices Appeals Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Natural Resources, Parks and Shorelines.

October 4, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James L. Nagle, appointed October 4, 2001, for a term ending August 2, 2004, as a member of the Sentencing Guidelines Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Judiciary.

October 29, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Peter J. Goldmark, reappointed October 29, 2001, for a term ending September 30, 2007, as a member of the Board of Regents for Washington State University.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 29, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Roberta Greene, appointed October 29, 2001, for a term ending June 30, 2005, as a member of the Higher Education Coordinating Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 29, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Steven R. Hill, appointed October 29, 2001, for a term ending September 30, 2007, as a member of the Board of Regents for Washington State University.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 29, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sally Jewell, appointed October 29, 2001, for a term ending September 30, 2007, as a member of the Board of Regents for the University of Washington.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

October 31, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Gene Colin, appointed October 31, 2001, for a term ending June 30, 2005, as a member of the Higher Education Coordinating Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

November 1, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Howard Granger, appointed November 1, 2001, for a term ending October 1, 2004, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Agriculture and International Trade.

November 1, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul Rollins, Jr., appointed November 1, 2001, for a term ending October 1, 2004, as a member of the Small Business Export Finance Assistance Center Board of Directors.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Agriculture and International Trade.

November 16, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mel Takehara, appointed November 16, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Higher Education.

December 10, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Alaric Bien, appointed December 10, 2001, for a term ending December 5, 2005, as a member of the Western Washington State Hospital Advisory Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

December 10, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Dorothy Blake, reappointed December 10, 2001, for a term ending December 5, 2005, as a member of the Western Washington State Hospital Advisory Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

December 10, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jerome Remick, appointed December 10, 2001, for a term ending December 5, 2003, as a member of the Western Washington State Hospital Advisory Board.

Sincerely,  
GARY LOCKE, Governor

Referred to Committee on Health and Long-Term Care.

MESSAGE FROM STATE OFFICE

THE WASHINGTON STATE AUDITOR'S OFFICE  
1000 Second Avenue, Suite 2700  
Seattle, Washington 98104-1046

December, 2001

TO THE CITIZENS OF WASHINGTON

At the beginning of this year, the State Auditor's Office was asked to make recommendations regarding a comprehensive statewide performance review. That proposal, delivered to key Democrat and Republican lawmakers in March, laid out a plan to measure state agencies' compliance with laws pertaining to financial and performance accountability and with measures the agencies have developed to gauge their own operations.

Unfortunately the Legislature's performance audit pilot project was not enacted. What I hope to present in this annual report are compelling reasons why such a review is needed and why our office is uniquely positioned to do it. State agencies are working hard to improve the quality, efficiency and effectiveness of the services they provide. Performance measures are now an inherent part of state agency strategic planning and budgeting.

So why the need for a performance review? Currently, there is no overall, comprehensive review of whether state government is meeting performance goals or measures designed to ensure programs are efficient and effective. And, although it's been asked for decades, no one has stepped forward to answer the question: "What core services should government provide and how can it do so in the most effective and efficient way?" At this time in our state, we should come together and look for solutions.

Our office was created in the State Constitution as the "auditor of all public accounts." Our auditors are out there, every day, looking at agency operations, recommending improvements and working with agencies to find efficient ways to ensure accountability. That puts us in a great position to take an independent, across-the-board look at how agencies are measuring up to expectations.

I encourage you to read this report, study our suggestions, and offer any constructive ideas that you may have for ensuring government accountability.

Sincerely,  
BRIAN SONNTAG, CGFM  
State Auditor

The Washington State Auditor's Office 2001 Annual Report is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504-5000

January 2, 2002

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

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "2002 Chemical Disposition Dependency Alternative Report." It is mandated under RCW 70.96A.520.

Please call Sjan Talbot at (360) 902-7952 if you have questions regarding the report.

Sincerely,  
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report entitled "Chemical Disposition Dependency Alternative Report" is on file in the Office of the Secretary of the Senate.

MESSAGE FROM STATE AGENCY

WASHINGTON STATE REDISTRICTING COMMISSION  
Post Office Box 40948  
505 East Union Avenue, Suite 350  
Olympia, Washington 98504-0948

December 16, 2001

The Honorable Sid Snyder  
Majority Leader  
Washington State Senate

The Honorable James E. West  
Republican Leader  
Washington State Senate

The Honorable Frank Chopp  
Speaker of the House  
Washington State House of Representatives

The Honorable Clyde Ballard  
Minority Leader  
Washington State House of Representatives

Dear Sirs:

Pursuant to the provisions of Article 2, Section 43 of the State Constitution and Chapter 44.05 RCW, the Washington State Redistricting Commission today has approved and is hereby submitting a redistricting plan to the Washington State Legislature for Legislative District Boundaries.

As approved by the Commission, the following materials are enclosed with this submission:

Redistricting plan resolution;

Statewide legislative plan map and population report; and

CD-ROM containing an electronic Geographic Information System (GIS) file of the district boundaries.

Reference materials, including additional maps and data reports, will be forthcoming.

Respectfully yours,  
GRAHAM E. JOHNSON, Chairman

Letter and Enclosures:

Tony Cook, Secretary of the Senate

Cindy Zehnder, Chief Clerk of the House

Letter

The Honorable Gary Locke, Governor

The Honorable Gerry L. Alexander, Chief Justice

The Honorable Sam Reed, Secretary of State

The Washington State Redistricting Commission Report on Legislative District Boundaries is on file in the office of the Secretary of the Senate.

MESSAGE FROM STATE AGENCY

WASHINGTON STATE REDISTRICTING COMMISSION

Post Office Box 40948

505 East Union Avenue, Suite 350

Olympia, Washington 98504-0948

January 1, 2002

The Honorable Sid Snyder

Majority Leader

Washington State Senate

The Honorable James E. West

Republican Leader

Washington State Senate

The Honorable Frank Chopp

Speaker of the House

Washington State House of Representatives

The Honorable Clyde Ballard

Minority Leader

Washington State House of Representatives

Dear Sirs:

Pursuant to the provisions of Article 2, Section 43 of the State Constitution and Chapter 44.05 RCW, the Washington State Redistricting Commission today has approved and is hereby submitting that portion of the redistricting plan to the Washington State Legislature for Congressional district boundaries.

As approved by the Commission, the following materials are enclosed with this submission:

Redistricting plan resolution;

Statewide legislative plan map and population report; and

CD-ROM containing an electron Geographic Information System (GIS) file of the district boundaries.

Reference materials, including additional maps and data reports, will be forthcoming.

Respectfully yours,  
GRAHAM E. JOHNSON, Chairman

Letter and Enclosures:

Tony Cook, Secretary of the Senate

Cindy Zehnder, Chief Clerk of the House  
Letter  
The Honorable Gary Locke, Governor  
The Honorable Gerry L. Alexander, Chief Justice  
The Honorable Sam Reed, Secretary of State

The Washington State Redistricting Commission Report on Congressional District Boundaries is on file in the office of the Secretary of the Senate.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6296, by Senators Snyder, West, Horn, Carlson and T. Sheldon (by request of Attorney General Gregoire and Redistricting Commission)

Revising timelines for redistricting plans.

The bill was read the second time.

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Bill No. 6296 was advanced to second reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6296.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6296 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 48.

Voting nay: Senator Winsley - 1.

SENATE BILL NO. 6296, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Snyder, Senate Bill No. 6296 was ordered to be immediately transmitted to the House of Representatives.

#### MOTION

At 1:37 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, January 15, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

**FIRST DAY, JANUARY 14, 2002**

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

**SECOND DAY**

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**NOON SESSION**  
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*Senate Chamber, Olympia, Tuesday, January 15, 2002*  
The Senate was called to order at 12:00 noon by President Pro Tempore Franklin. No roll call was taken.

**MOTION**

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

**MESSAGE FROM STATE AGENCY**

**STATE OF WASHINGTON  
REPORT OF THE WASHINGTON STATE REDISTRICTING COMMISSION  
LEGISLATIVE AND CONGRESSIONAL REDISTRICTING  
JANUARY, 2002**

**INTRODUCTION**

The following report has been prepared by the Washington State Redistricting Commission in accordance with the requirements of RCW 44.05.080(7). This report includes the redistricting plan resolutions prepared by the Commission for legislative and congressional districts, statewide and individual district maps, and population reports.

The Commission expects to provide subsequent report addendums at a later date.

The Report on the Washington State Redistricting Commission is on file in the Office of the Secretary of the Senate.

**MESSAGE FROM THE HOUSE**

January 14, 2002

**MR. PRESIDENT:**

The House has passed:

**SENATE CONCURRENT RESOLUTION NO. 8422,**

**SENATE CONCURRENT RESOLUTION NO. 8423,**

**SENATE CONCURRENT RESOLUTION NO. 8424, and the same are herewith transmitted.**

**CYNTHIA ZEHNDER, Chief Clerk**

**SIGNED BY THE PRESIDENT**

The President signed:

**SENATE CONCURRENT RESOLUTION NO. 8422,**

**SENATE CONCURRENT RESOLUTION NO. 8423,**

**SENATE CONCURRENT RESOLUTION NO. 8424.**

**INTRODUCTION AND FIRST READING**

**SB 6299 by Senators Jacobsen, Oke, Spanel, Morton, Hargrove and Rasmussen (by request of Department of Fish and Wildlife)**

**AN ACT Relating to duplicate fish and wildlife documents; and amending RCW 77.32.256.**

**Referred to Committee on Natural Resources, Parks and Shorelines.**

**SB 6300 by Senators Jacobsen, Oke and Morton (by request of Department of Fish and Wildlife)**

**AN ACT Relating to requiring recreational fishing licenses; and amending RCW 77.32.010.**

**Referred to Committee on Natural Resources, Parks and Shorelines.**

**SB 6301** by Senators Oke, Jacobsen, Spanel, Snyder, Hargrove and Rasmussen (by request of Department of Fish and Wildlife)

*AN ACT Relating to group fishing permits; adding a new section to chapter 77.32 RCW; and repealing RCW 77.32.235.*

*Referred to Committee on Natural Resources, Parks and Shorelines.*

**SB 6302** by Senators Fairley, Kline, Franklin, Keiser and McAuliffe

*AN ACT Relating to workers' compensation for multiple chemical sensitivity syndrome; adding a new section to chapter 51.08 RCW; and adding a new section to chapter 51.32 RCW.*

*Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6303** by Senators Franklin and Long

*AN ACT Relating to nonparental visitation rights; amending RCW 26.09.240 and 26.10.160; adding a new section to chapter 26.10 RCW; and creating a new section.*

*Referred to Committee on Judiciary.*

**SB 6304** by Senators Prentice, Parlette, Rasmussen and Oke

*AN ACT Relating to the hand harvesting of fruit; and amending RCW 49.46.060.*

*Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6305** by Senator Jacobsen

*AN ACT Relating to tax exemptions for high gas mileage vehicles; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.*

*Referred to Committee on Environment, Energy and Water.*

**SB 6306** by Senator Jacobsen

*AN ACT Relating to cultural resources with respect to forest practices; and reenacting and amending RCW 76.09.020.*

*Referred to Committee on Natural Resources, Parks and Shorelines.*

**SB 6307** by Senator Jacobsen

*AN ACT Relating to the sale of logs and wood from state-owned aquatic lands; and amending RCW 79.24.580.*

*Referred to Committee on Natural Resources, Parks and Shorelines.*

**SB 6308** by Senators Prentice, Winsley and Fairley (by request of Employment Security Department)

*AN ACT Relating to application methods for unemployment insurance temporary total disability determinations; and amending RCW 50.06.030.*

*Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6309** by Senators Prentice, Winsley and Fairley (by request of Employment Security Department)

*AN ACT Relating to correcting rate class 16 in schedule B by amending RCW 50.29.025 and making no other changes; and amending RCW 50.29.025.*

*Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6310 by Senator Jacobsen**

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

*Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6311 by Senators McCaslin and Winsley**

*AN ACT Relating to juror compensation; amending RCW 2.36.150, 3.50.135, 35.20.090, 84.52.010, 84.52.043, and 43.135.060; and adding a new section to chapter 84.52 RCW.*

*Referred to Committee on Judiciary.*

**SB 6312 by Senator McCaslin**

*AN ACT Relating to excess property tax levies of up to six years; amending RCW 17.28.100, 17.28.252, 35.58.116, 35.61.210, 36.58.150, 36.60.040, 36.68.480, 36.73.060, 36.83.030, 36.100.050, 70.44.060, 70.94.091, and 84.52.052; and providing a contingent effective date.*

*Referred to Committee on State and Local Government.*

**SB 6313 by Senator Oke**

*AN ACT Relating to derelict fishing gear; amending RCW 77.15.170; adding new sections to chapter 77.12 RCW; adding a new section to chapter 77.55 RCW; creating a new section; and prescribing penalties.*

*Referred to Committee on Natural Resources, Parks and Shorelines.*

**SB 6314 by Senator Prentice**

*AN ACT Relating to choice of law and forum for computer information agreements; and adding a new chapter to Title 4 RCW.*

*Referred to Committee on Judiciary.*

**SB 6315 by Senators Gardner, Snyder, Carlson, Roach, Winsley, Hale and Rasmussen (by request of Secretary of State Reed)**

*AN ACT Relating to funding and expenditures of the secretary of state; amending RCW 43.07.037, 43.07.130, 40.14.020, and 42.17.710; adding a new section to chapter 43.07 RCW; and adding a new section to chapter 42.52 RCW.*

*Referred to Committee on State and Local Government.*

**SB 6316 by Senators Kastama, Horn, Prentice, Johnson, Eide, Finkbeiner, McCaslin, McDonald, Swecker, Jacobsen, Fairley, Oke, Costa, Thibaudeau, Morton and Benton**

*AN ACT Relating to electric personal assistive mobility devices; amending RCW 46.04.320, 46.04.330, 46.04.332, 46.04.670, 46.20.500, 46.61.710, and 35.75.020; and adding a new section to chapter 46.04 RCW.*

*Referred to Committee on Transportation.*

**SB 6317 by Senators Kline, McCaslin, Fairley and Winsley**

*AN ACT Relating to awarding costs to the prevailing party for enforcement of the judgment in small claims cases; and amending RCW 12.40.105.*

*Referred to Committee on Judiciary.*

**SB 6318 by Senators Keiser and Fairley**

*AN ACT Relating to city charter elections; and amending RCW 35.22.100, 35.22.190, and 35A.09.070.*

*Referred to Committee on State and Local Government.*

**SB 6319 by Senator Fraser**

*AN ACT Relating to numbering, placement, and division of subsections; amending RCW 90.03.290 and 90.03.380; creating a new section; and declaring an emergency.*

*Referred to Committee on Environment, Energy and Water.*

**SB 6320 by Senators Gardner, McCaslin, Horn, T. Sheldon, Winsley and Oke (by request of Secretary of State Reed)**

*AN ACT Relating to voter registration applications; and amending RCW 29.07.115.*

*Referred to Committee on State and Local Government.*

**SB 6321 by Senators Gardner, McCaslin, Roach, T. Sheldon, Keiser, McAuliffe, Hale and Oke (by request of Secretary of State Reed)**

*AN ACT Relating to electronically filing declarations of candidacy; amending RCW 29.15.010 and 29.15.030; adding new sections to chapter 29.15 RCW; and creating new sections.*

*Referred to Committee on State and Local Government.*

**SB 6322 by Senators Gardner, McCaslin, Fairley, Roach, Keiser, Winsley, Hale and Oke (by request of Secretary of State Reed)**

*AN ACT Relating to methods and procedures for vote recording and reporting; amending RCW 29.33.041, 29.33.081, 29.33.130, 29.33.145, 29.33.300, 29.33.310, 29.33.320, 29.33.330, 29.33.350, 29.04.200, and 29.85.051; adding a new section to chapter 29.85 RCW; repealing RCW 29.33.340; and prescribing penalties.*

*Referred to Committee on State and Local Government.*

**SB 6323 by Senators Gardner, McCaslin, Fairley and Winsley (by request of Secretary of State Reed)**

*AN ACT Relating to requirements for filing an initiative or referendum; and amending RCW 29.79.010.*

*Referred to Committee on State and Local Government.*

**SB 6324 by Senators Gardner, Horn, T. Sheldon, Roach, McCaslin, Winsley and Hale (by request of Secretary of State Reed)**

*AN ACT Relating to a statewide voter registration data base; adding a new section to chapter 29.04 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.*

*Referred to Committee on State and Local Government.*

**SB 6325** by Senators Gardner, Horn, T. Sheldon, Roach, McCaslin, Winsley and Oke (by request of Secretary of State Reed)

*AN ACT Relating to the administration of elections; and amending RCW 29.60.010, 29.60.030, 29.60.040, 29.60.070, 29.60.080, and 29.60.090.*

*Referred to Committee on State and Local Government.*

**SB 6326** by Senators Prentice and Winsley

*AN ACT Relating to filing reports with the insurance commissioner; and amending RCW 48.05.390.*

*Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6327** by Senators Johnson, Zarelli, Hale, Hewitt, Benton, Rossi, Morton, Horn, Winsley, Finkbeiner, Haugen, Keiser, Long, Rasmussen and Oke

*AN ACT Relating to United We Stand license plates; amending RCW 46.16.313, 46.16.233, and 46.16.290; and adding a new section to chapter 46.16 RCW.*

*Referred to Committee on Transportation.*

**SB 6328** by Senators Parlette, Gardner, Hale, Honeyford, Rasmussen and Oke

*AN ACT Relating to the definition of cherry harvest temporary labor camp; and amending RCW 70.114A.110.*

*Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6329** by Senators Regala, Honeyford, Fraser, Jacobsen and Winsley

*AN ACT Relating to vehicles exempted from emission control inspection requirements; and amending RCW 46.16.015.*

*Referred to Committee on Environment, Energy and Water.*

**SB 6330** by Senators Regala, Jacobsen, Poulsen, Oke and Swecker

*AN ACT Relating to metropolitan park districts; and amending RCW 35.61.010, 35.61.020, 35.61.030, 35.61.040, and 35.61.050.*

*Referred to Committee on State and Local Government.*

**SB 6331** by Senators Poulsen, Jacobsen, Regala, Oke and Swecker

*AN ACT Relating to the use of revenues under the county conservation futures levy; and amending RCW 84.34.230.*

*Referred to Committee on Natural Resources, Parks and Shorelines.*

**SB 6332** by Senators Poulsen, Jacobsen, Regala and Swecker

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

*Referred to Committee on Natural Resources, Parks and Shorelines.*

**SB 6333 by Senators Jacobsen, Poulsen, Regala, Oke, Swecker and McAuliffe**

***AN ACT Relating to authorizing a local option sales tax to fund parks and recreational facilities; and adding a new section to chapter 82.14 RCW.  
Referred to Committee on Natural Resources, Parks and Shorelines.***

**SB 6334 by Senators Jacobsen, Poulsen, Regala, Oke and Swecker**

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

***Referred to Committee on Natural Resources, Parks and Shorelines.***

**SB 6335 by Senators Long and Hargrove (by request of Department of Social and Health Services)**

***AN ACT Relating to forensic evaluations; and amending RCW 10.77.060.***

***Referred to Committee on Human Services and Corrections.***

**SJM 8026 by Senators Fraser, Honeyford and Regala**

***Requesting increased borrowing authority for the Bonneville Power Administration.***

***Referred to Committee on Environment, Energy and Water.***

**SJM 8027 by Senators Parlette, Gardner, Carlson, Hewitt, Swecker, Oke, Long, McCaslin, Benton, Sheahan, Rossi, Winsley, Eide, Keiser, McAuliffe, Hale, Roach, Kohl-Welles and Rasmussen**

***Requesting a day of recognition for fire fighters and emergency medical service technicians.***

***Referred to Committee on State and Local Government.***

**SJR 8222 by Senator McCaslin**

***Amending the Constitution to expand the duration excess property taxes can be imposed.***

***Referred to Committee on State and Local Government.***

**SCR 8425 by Senators Thibaudeau, McAuliffe, Parlette and Kohl-Welles**

***Creating the Health Care Insurance Options Working Group.***

***Referred to Committee on Health and Long-Term Care.***

**MOTION**

***At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate recessed until 3:30 p.m.***

***The Senate was called to order at 3:30 p.m. by President Owen.***

**MOTION**

***At 3:30 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease to retire to the House of Representatives for a Joint Session.***

**JOINT SESSION**

*The Sergeant at Arms of the House announced the arrival of the Senate at the bar of the House.*

*Speaker Chopp instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the President of the Senate, Lieutenant Governor Brad Owen to his seat on the rostrum.*

*The Senators were invited to seats within the House Chamber.*

*Speaker Chopp declared the Joint Session to be in order.*

*The Clerk of the House of Representatives called the roll of the House.*

*The Secretary of the Senate called the roll of the Senate.*

*Speaker Chopp presented the gavel to the President of the Senate, Lieutenant Governor Brad Owen.*

#### **APPOINTMENT OF SPECIAL COMMITTEES**

*The President of the Senate appointed Senators Johnson, Kastama, Kline and Sheahan and Representatives Cairnes, Lysen, McIntire and Nixon as a special committee to escort the Supreme Court Justices from the State Reception Room to the House Chamber.*

*The President of the Senate appointed Senators Carlson, Regala, McAuliffe and Roach and Representatives Chase, Morell, Orcutt and Upthegrove as a special committee to escort the State Elected Officials from the State Reception Room to the House Chamber.*

*The President of the Senate appointed Senators Fraser and Hewitt and Representatives Kagi and Pflug as a special committee to inform Governor Gary Locke that the Joint Session has been assembled and to escort him from his office to the House Chamber.*

#### **INTRODUCTION OF SPECIAL GUESTS**

*The President of the Senate welcomed and introduced the Supreme Court Justices: Chief Justice Gerry L. Alexander, Associate Chief Justice Charles Z. Smith, Justice Charles W. Johnson, Justice Barbara A. Madsen, Justice Richard B. Sanders, Justice Faith Ireland, Justice Bobbe Bridge, Justice Tom Chambers and Justice Susan Owens.*

*The President welcomed and introduced the State Elected Officials: Secretary of State Sam Reed, Superintendent of Public Instruction Terry Bergeson, State Treasurer Mike Murphy, State Auditor Brian Sonntag, State Attorney General Christine Gregoire, Commissioner of Public Lands Doug Sutherland and Insurance Commissioner Mike Kreidler.*

#### **INTRODUCTION OF MEMBERS OF THE CONSULAR ASSOCIATION OF WASHINGTON**

*The President introduced the following honored guests from the Consular Association of Washington, who were seated in the back of the House Chamber: The Honorable H. Ronald Masnik, President of the Consular Association of Washington and Consul of Belgium; The Honorable Miguel Velasques, Vice President of the Consular Association of Washington and Consul of Peru; The Honorable Dave Baron, Secretary of the Consular Association of Washington and Vice Consul of the United Kingdom; The Honorable Roger Simmons, P.C., Consul General of Canada; The Honorable Jorge Gilbert, Consul of Chile; The Honorable Vassos Demetriou, Consul of Cyprus; The Honorable Yoshihara Araki, Deputy Consul General of Japan; The Honorable Moon Byung-rok, Consul General of the Republic of Korea; The Honorable Jorge Madrazo, Consul of Mexico; The Honorable Nikolai Vinogradov, Consul of the Russian Federation; and the Honorable Jack K.C. Chiang, Director General, Taipei Economic and Cultural Office in Seattle.*

#### **INTRODUCTION OF GOVERNOR AND MRS. GARY LOCKE**

*The President welcomed Governor and Mrs. Gary Locke and instructed the committee to escort them to the rostrum.*

*The flags were escorted to the rostrum by American Legion No. 138 Color Guard of Olympia.*

*The prayer was offered by Chaplain Wilby Casey from the Tacoma Fire Department.*

#### **REMARKS BY PRESIDENT OWEN**

*President Owen: "The purpose of this joint session is to receive the State of the State Address from his Excellency, Governor Locke."*

*The President of the Senate introduced The Honorable Governor Gary Locke.*

#### **STATE OF STATE ADDRESS BY GOVERNOR GARY LOCKE**

*Governor Locke: "Mr. President, Mr. Speaker, Honorable Chief Justice of the Washington State Supreme Court, distinguished Justices of the Supreme Court, statewide elected officials, members of the Washington State Legislature, my wife, the First Lady of the state of Washington, members of the Consular Association, my fellow Washingtonians.*

*"On a Tuesday morning last September, we awoke to what started as an ordinary day. We awoke to thoughts of the Mariners beating Anaheim, to the smell of brewing coffee, to the sounds of children scrambling down the stairs in those first days of a new school year, but our peace and tranquility were shattered as we turned on the television sets to images of anguish and horror. Sounds and pictures of destruction, terror and suffering seared into our memories.*

*"We will forever remember where we were and how we felt on September 11th--witnessing the collapse of the World Trade Center Towers live on television--even before the anchors could comprehend what was happening--the fear that cities across America were under attack--feelings of vulnerability, the loss of serenity in our daily lives.*

*"So, we gather now in an age tarnished by the evils of a few, and yet invigorated by the goodness and decency of so many. Within hours of the attacks, we witnessed the true spirit of the American people, surging up and washing over our despair. In our state, we saw neighbors come together and stand guard at area mosques against acts of ignorance and bigotry. We saw our children create artwork and raise money for the families of the victims. We saw firefighters throughout Washington travel to Ground Zero in New York City to help in the rescue and recovery efforts among the twisted steel.*

*"We saw members of our National Guard, who are specially trained to respond to any chemical, biological or nuclear threat, assist law enforcement here and in other states, and we saw state employees from our Department of Labor and Industries and the Emergency Management Division go to New York to aid in the recovery efforts. Please join me in recognizing all of these brave men and women from our state, some of whom are with us here this afternoon--firefighters from the Tri-Cities--members of our National Guard and employees in the Department of Labor and Industries. Please stand and receive our salute and our thanks. Thank you for your dedication. Let's also pause and thank all of our dedicated state and local public servants who each day labor to provide for the safety and security of all of our residents.*

*"Twenty-four hours after the terrorist attacks, I was overwhelmed to see the sea of faces, 10,000 strong, at the Puyallup Fairgrounds, singing patriotic songs but condemning discrimination. Then, two days later, more than 30,000 people gathered at the Westlake Center in Seattle, joining in a West Coast-wide moment of silence in tribute to the victims of September 11. From the extraordinary outpouring of patriotism, prayer and generosity among children and adults, we understood that the anguish that flows from the terrorist attacks cements our character and unites our faith.*

*"As a nation, we were wounded last year, but in the words of Abraham Lincoln, 'We bound up our nation's wounds with the strength and resolve of our people.' In the face of adversity, we must draw together and labor in common cause for the greater good. Today, we face forces unseen, but we accept those challenges with determination and optimism. More than four decades ago, President Kennedy said, 'In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger.'*

*"Eleven days ago, Green Beret Sergeant First Class Nathan Chapman, who lived with his wife and two young children in Puyallup, was the first combat fatality in Afghanistan. He served and died defending our freedom. Six days ago, Marine Sergeant Nathan Hays of Wilbur, Washington, was one of seven Marines killed in a U.S. military plane crash. Let's observe a moment of silence for them and their families and friends.*

*"Imagine the state we could create if each of us captures just a small portion of their courage and energy and dedicates it to the greater good. These are trying times. We find ourselves with a state economy and a state budget ravaged by war and a national economic recession. We'll pull through, just as we have in the past, but only by working together. I believe in a better future for our state. I believe that we're a resilient people. How well and how fast we respond depends on the foundations we lay in the months ahead.*

*"Just last year, in the year 2001, we weathered an earthquake, a drought, tragic wildfires, an energy crisis, and the uprooting of the Boeing corporate headquarters. At times, our experience resembled the biblical 'Twelve Plagues of Egypt'--minus the locusts--but our citizens persevered with courage and optimism.*

*"Together, we averted an energy crisis by promoting conservation, by bringing more energy online and by planning strategically for our energy future.*

*"Together, we responded quickly and effectively to our state's drought by purchasing water for farmers, by conserving, and reforming our outdated water laws.*

*"Together, we continued to move people from welfare to work.*

*"Together, we invested in smaller class sizes and targeted assistance to low-performing schools.*

*"Together, we established the Competitiveness Council to identify ways to reinvigorate our business climate.*

*"We must build upon our past successes, to enhance our economic vitality, to preserve our way of life, and to put our people back to work. A study issued last week estimates that as many as 50,000 people in our state will lose their jobs as a direct result of the September 11th terrorist attacks. Our state has been one of the hardest hit by the national economic recession. Today, we have laid-off aerospace workers, struggling to pay their mortgages. Today, we have aluminum workers in Spokane and Goldendale worried about college tuition for their children. Today, we have recent college graduates unable to find work. Their stories transcend statistics.*

*"Just thousands of families across our state have had to adjust their personal budgets in these tough economic times, so too must we rewrite our state budget. I've proposed many state budgets as a legislator and governor, but believe me, this was the toughest. All of the programs that I have proposed for elimination or reduction provide valuable services to real people in every part of our state.*

*"My proposal narrows state government's role as a social services provider, but it protects the most vulnerable children and vulnerable adults, for we must ensure that the safety net remains strong and intact. The budget I'm proposing lays the foundation for our future. The half-a-billion dollars in proposed spending cuts will save more than that, more than a billion dollars in the next biennium.*

*"In addition to reducing costs and preserving core services, we continue to improve business practices within state government and achieve millions of dollars in savings through efficiencies. We can balance our budget without a general tax increase. Education, of course, remains our paramount duty. Great public schools are the cornerstones for our state's long-term success. That's why funding for basic education, class-size reduction and higher academic achievement simply cannot be compromised. The planned enrollment increases in higher education must be maintained. Indeed, we must retrain even more workers, so that when our economy improves--and it will--our workers will be ready for family-wage jobs.*

*"Now is a time for tough decisions. We have a \$1.25 billion deficit that we must address. I know many legislators have differing ideas on the solution. I pledge to work together with all of you to develop a fair, balanced and humane budget for the people of our state. Rewriting the budget is part of our constitutional charge. We are required to have a balanced budget. In so many areas, like transportation, education, clean and plentiful water, and economic revitalization, we must ask ourselves, 'If we don't act, who will?' These problems won't fix themselves. We must rise to the challenge. We must accept the risks. We must act.*

*"Our transportation problems present us with just such a challenge. We all want Washington and our citizens to prosper. We will not prosper with a transportation system that is broken, that chokes progress, that diminishes our competitiveness. Our businesses understand that. Our farmers understand that. Our families and our friends understand that. Our state's Competitiveness Council determined that the single most important thing we can do to embrace our state's economy and quality of life is to enact a long-term transportation plan that fixes congestion. We must not allow our economic future to grind to a halt on our broken streets and highways. Whether we live in the country or the city, we must ensure the safety of our loved ones who now travel highways in desperate need of repair.*

*"We tackled transportation last year. We failed. We did not get there. We must tackle it again this session and this time we must act. We must provide statewide funding for transportation improvements in every part of our state and we must authorize regions to partner with the state to build projects faster and to meet unique transportation needs. We must act for the farmer in Eastern Washington, hauling his harvest to market. We must act for the commuter stewing in gridlock that robs her of time with family, time helping her children with homework, time enjoying life. We must act for the businesses that would grow in Washington State if it weren't for the traffic.*

*"There is no reason why we can't pass transportation reforms and efficiencies within the next few days and have it on my desk for signature. Improving transportation provides lasting economic development in rural and urban counties. It reduces congestion, enhances safety and enables businesses to grow. Highway construction alone will create more than 20,000 new private-sector jobs throughout our state in the first few years. We must act, because what's at stake is the future of our state.*

*"Of course, we have other objectives. In education: Yes, our test scores are rising, but we must work to erase the growing disparity in achievement among ethnic groups. Education begins at home and that's why we must encourage more parental involvement. Because reading is the foundation of academic success, I will launch a major literacy and parental involvement campaign this spring, mobilizing the help of businesses, volunteers and non-profits. In water, we must build on our successes from last year and ensure safe, clean and abundant water for our growing communities, for farmers and for fish.*

*"I'm taking administrative action and submitting legislation to implement recommendations of our state's Competitiveness Council. Together we will forge ahead with tax simplification and streamlining our permitting process, but without compromising our environmental standards. Lastly, I'm proud that our state is better prepared than most to respond to any terrorist attack, but we need stronger laws to prevent and prosecute terrorist acts, while at the same time ensuring our civil liberties. I urge you to pass the legislation that our great Attorney General and I have submitted to you. Let's pass legislation mandating harsher penalties for those who commit crimes motivated by bigotry and hate.*

*"Of course, we have other objectives, but I won't list them all today—for this is no ordinary session and this is no ordinary time. We live in an age of an invigorated initiative process, one that holds a mirror to citizens and elected officials alike. It's a cherished part of our state's governing process, but so, too, is the legislative process. We manifest a government of, by and for the people. Ladies and gentlemen, if we want to reinforce faith in government by our citizens, we must deliver.*

*"I was moved by the patriotism, prayer and the generosity of the thousands of citizens across our state who assembled to memorialize the victims of terror. I was so proud that our citizens expressed solidarity with their Muslim neighbors. They renewed my faith that we can create great possibilities for our children and our grandchildren. We approach the enormous challenges before us, not because they're easy-- they're not—but because they're right for our state and they're right for future generations to come*

*"Early, on that sad morning last September, one of the first lawmakers to come into my office and offer his support was House Co-Speaker Clyde Ballard. Minutes later, Senate Majority Leader Sid Snyder joined me to reassure Washingtonians over the radio and television that our state government was vigilant and 'on the job.' On that day we stood and came together not as Democrats and Republicans, but as Americans. The American people demand that. In matters of public service and the greater public good, partisanship falls away.*

*"Sergeant First Class Nathan Chapman volunteered for duty in Afghanistan. He volunteered and told his wife there was a 50/50 chance he would not come home. He served and died to protect our liberty and to ensure our freedom. We, too, volunteered. We volunteered for public office to serve the people of our state and to create a better way of life for our children and our grandchildren. Sergeant First Class Chapman and Sergeant Hays did their duty for love of our country. Now we must do our duty for the love of our state.*

*"Thank you, and God bless you. God bless America. God bless freedom-loving people all across the world."*

*The President of the Senate asked the special committee to escort the Honorable Gary and Mrs. Locke from the House Chamber.*

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

*The President of the Senate asked the special committee to escort the State Elected Officials from the House Chamber.*

#### **MOTION**

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

*The President of the Senate returned the gavel to Speaker Chopp.*

*Speaker Chopp instructed the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort the Senators from the House Chamber.*

*The Senate was called to order at 4:37 p.m. by President Owen.*

**MOTION**

At 4:37 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, January 16, 2002.

**BRAD OWEN, President of the Senate**

**TONY M. COOK, Secretary of the Senate**

JOURNAL OF THE SENATE

SECOND DAY, JANUARY 15, 2002

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**THIRD DAY**

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**MORNING SESSION**  
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*Senate Chamber, Olympia, Wednesday, January 16, 2002*

*The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Kline, Roach and Zarelli. On motion of Senator Sheahan, Senators Roach and Zarelli were excused. On motion of Senator Eide, Senator Kline was excused.*

*The Sergeant at Arms Color Guard, consisting of Pages Jean-Paul Willynck and Brooke Stewart, presented the Colors. Reverend Dale Oquist, pastor of the Evergreen Christian Center in Olympia, offered the prayer.*

**MOTION**

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

**MESSAGE FROM THE HOUSE**

**January 15, 2002**

**MR. PRESIDENT:**

*The Speaker has signed:*

*Senate Concurrent Resolution No. 8422,*

*Senate Concurrent Resolution No. 8423,*

*Senate Concurrent Resolution No. 8424, and the same are herewith transmitted.*

**CYNTHIA ZEHNDER, Chief Clerk**

**MESSAGE FROM THE HOUSE**

**January 15, 2002**

**MR. PRESIDENT:**

*The Speaker has signed:*

*House Concurrent Resolution No. 4420,*

*House Concurrent Resolution No. 4421, and the same are herewith transmitted.*

**CYNTHIA ZEHNDER, Chief Clerk**

**SIGNED BY THE PRESIDENT**

*The President signed:*

**HOUSE CONCURRENT RESOLUTION NO. 4420,**

**HOUSE CONCURRENT RESOLUTION NO. 4421.**

**INTRODUCTION AND FIRST READING**

**SB 6336** by Senators Prentice, T. Sheldon, Carlson, Deccio, B. Sheldon, Gardner, Winsley and Rossi

*AN ACT Relating to community renewal; amending RCW 35.81.010, 35.81.020, 35.81.030, 35.81.040, 35.81.050, 35.81.060, 35.81.070, 35.81.080, 35.81.090, 35.81.100, 35.81.110, 35.81.120, 35.81.130, 35.81.150, 35.81.160, 35.81.170, 35.81.180, 35.81.910, 35.82.070, 35.21.730, 35.21.745, 35.57.020, and 36.100.010; adding a new section to chapter 53.08 RCW; adding new sections to chapter 35.81 RCW; creating a new section; and recodifying RCW 35.81.010 and 35.81.020.  
Referred to Committee on Economic Development and Telecommunications.*

**SB 6337** by Senators Oke, Haugen, Eide, Swecker, B. Sheldon, Hargrove, Spanel, Prentice, Jacobsen, Fraser, Gardner and Rasmussen

*AN ACT Relating to tobacco product sampling; amending RCW 70.155.010, 70.155.050, 70.155.090, 70.155.100, 82.24.120, and 82.24.230; repealing RCW 70.155.060 and 82.24.270; and prescribing penalties.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6338** by Senators Keiser, Winsley, Gardner and Kohl-Welles

*AN ACT Relating to the consumer loan act; and amending RCW 31.04.102.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6339** by Senators Keiser, Winsley and Franklin (by request of Insurance Commissioner Kriedler)

*AN ACT Relating to technical changes to Title 48 RCW; amending RCW 48.87.020, 48.87.040, 48.66.130, 48.07.040, and 48.43.055; and adding a new section to chapter 48.66 RCW.  
Referred to Committee on Health and Long-Term Care.*

**SB 6340** by Senators Thibaudeau, Deccio and Winsley (by request of Insurance Commissioner Kriedler)

*AN ACT Relating to the insurance commissioner's participation on the Washington health care facilities authority; and amending RCW 70.37.030.  
Referred to Committee on Health and Long-Term Care.*

**SB 6341** by Senators Hargrove, Long, Winsley and Oke

*AN ACT Relating to amending the judicial review of sex offender registration to comply with federal funding requirements; amending RCW 9A.44.140; providing an expiration date; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.*

**SB 6342** by Senators Poulsen and Gardner (by request of Department of Revenue)

*AN ACT Relating to authorizing the simplified sales and use tax administration act; adding a new chapter to Title 82 RCW; providing an effective date; and providing a contingent effective date.  
Referred to Committee on Ways and Means.*

**SB 6343** by Senators Kline, Roach, Poulsen, Sheahan, Regala, Hochstatter and Oke

*AN ACT Relating to payment of traffic infraction penalties; and amending RCW 46.63.110.  
Referred to Committee on Judiciary.*

**SB 6344** by Senators Kline, McCaslin, Haugen, Johnson, Roach, Finkbeiner, Hochstatter, Rasmussen and Oke

*AN ACT Relating to where sentences are served; and amending RCW 9.94A.190 and 70.48.400.  
Referred to Committee on Judiciary.*

**SB 6345 by Senators Kline, Carlson, Poulsen, Finkbeiner, Kohl-Welles, Swecker and Brown**

*AN ACT Relating to the process for election to local nonpartisan offices; amending RCW 29.65.050; adding a new chapter to Title 29 RCW; creating a new section; and repealing RCW 29.30.085.*

*Referred to Committee on State and Local Government.*

**SB 6346 by Senators Kline, Finkbeiner, Haugen, Roach, Kastama, Hochstatter, Keiser and Winsley**

*AN ACT Relating to sexual exploitation of minors; and amending RCW 9.68A.011 and 9.68A.080.*

*Referred to Committee on Judiciary.*

**SB 6347 by Senators Haugen and Keiser (by request of Governor Locke)**

*AN ACT Relating to transportation funding and appropriations; creating new sections; making appropriations; authorizing expenditures for capital improvements; and declaring an emergency.*

*Referred to Committee on Transportation.*

**SB 6348 by Senators Haugen, Benton, McAuliffe and Keiser (by request of Governor Locke)**

*AN ACT Relating to transportation funding and appropriations; amending RCW 47.60.010; amending 2001 2nd sp.s. c 14 ss 102, 203, 204, 209, 210, 211, 212, 213, 214, 215, 216, 217, 221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 401, 402, 403, 406, and 407 (uncodified); adding a new section to 2001 2nd sp.s. c 14 (uncodified); making appropriations; providing an expiration date; and declaring an emergency.*

*Referred to Committee on Transportation.*

**SB 6349 by Senators Haugen, McAuliffe and Keiser (by request of Governor Locke)**

*AN ACT Relating to transportation bonds; and adding new sections to chapter 47.10 RCW.*

*Referred to Committee on Transportation.*

**SB 6350 by Senators Haugen, Horn, McAuliffe and Oke**

*AN ACT Relating to county funding of state highway improvements; and amending RCW 36.75.035.*

*Referred to Committee on Transportation.*

**SB 6351 by Senators Haugen, McAuliffe, Finkbeiner, Rasmussen, Hochstatter, Stevens, Eide, Kohl-Welles, Keiser and Oke**

*AN ACT Relating to safety of school employees and students; adding a new section to chapter 28A.320 RCW; and prescribing penalties.*

*Referred to Committee on Education.*

**SB 6352 by Senators Gardner, Benton, Haugen, Kline, Horn and Rasmussen**

*AN ACT Relating to commercial drivers' offenses; and amending RCW 46.63.070, 10.05.010, and 10.05.015.*

*HOLD.*

**SB 6353 by Senators Haugen, Oke and Jacobsen**

*AN ACT Relating to migratory bird stamps; and amending RCW 77.32.350.*

*Referred to Committee on Natural Resources, Parks and Shorelines.*

**SB 6354 by Senators Haugen, Horn, Rasmussen, Spanel, Gardner, Hale and Oke**

**AN ACT Relating to eligibility for motorcycle skills education programs; and amending RCW 46.81A.010.**

**Referred to Committee on Transportation.**

**SB 6355 by Senators Regala, Poulsen, Finkbeiner, Franklin, Morton, Deccio, Fraser and Kline**

**AN ACT Relating to expanding the authority to request the utilities and transportation commission to approve low-income discounts for electric or gas services; and amending RCW 80.28.068.**

**Referred to Committee on Environment, Energy and Water.**

**SB 6356 by Senators Franklin, Winsley, Fairley, Shin, Regala, Kline, Costa, Poulsen, Rasmussen, Keiser, Deccio, Kohl-Welles, Kastama, Prentice, Eide, McAuliffe, Parlette, Fraser, Long and Jacobsen**

**AN ACT Relating to the children's environmental health and protection advisory council; and adding a new chapter to Title 70 RCW.**

**Referred to Committee on Health and Long-Term Care.**

**SB 6357 by Senators Stevens, Johnson, Hale, Honeyford, Hochstatter, Swecker, Parlette and McDonald**

**AN ACT Relating to selection of jurors; amending RCW 2.36.010, 2.36.054, 2.36.055, 2.36.065, and 2.36.070; and repealing RCW 2.36.057 and 2.36.0571.**

**Referred to Committee on Judiciary.**

**SB 6358 by Senators Stevens, Hale, Benton, Hewitt, Honeyford, Oke, McCaslin, Long, Hochstatter, Swecker and Roach**

**AN ACT Relating to reducing the assessed value of property by amounts spent on mitigation fees, impact fees, and system improvement charges; and amending RCW 84.40.030.**

**Referred to Committee on Ways and Means.**

**SB 6359 by Senators Stevens, Haugen, Rossi and Benton**

**AN ACT Relating to failure to use required traction equipment; amending RCW 47.36.250; and prescribing penalties.**

**Referred to Committee on Transportation.**

**SB 6360 by Senators Stevens, Benton, Hochstatter, Swecker, McCaslin and T. Sheldon**

**AN ACT Relating to recognizing concealed weapon licenses issued by other states; and adding a new section to chapter 9.41 RCW.**

**Referred to Committee on Judiciary.**

**SB 6361 by Senators Kline, Long, Kohl-Welles, Hargrove, McCaslin and Oke**

**AN ACT Relating to the recommendations of the sentencing guidelines commission regarding drug offenses; amending RCW 9.94A.525, 2.28.170, 9.94A.470, 9.94A.475, 9.94A.480, 9.94A.505, 9.94A.530, 9.94A.585, 9.94A.660, 9.94A.728, 9.94A.850, and 10.01.210; reenacting and amending RCW 9.94A.515, 9.94A.515, and 9.94A.510; adding a new section to chapter 70.96A RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 43.20A RCW; adding new sections to chapter 9.94A RCW; creating new sections; prescribing penalties; providing effective dates; providing an expiration date; and declaring an emergency.**

**Referred to Committee on Judiciary.**

**SB 6362 by Senators Winsley, Prentice, Kastama and Rasmussen**

*AN ACT Relating to investigations, citations, and fines for violations of the manufactured/mobile home landlord-tenant act; amending RCW 59.22.010, 59.22.020, and 59.22.050; adding new sections to chapter 59.22 RCW; and prescribing penalties.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6363 by Senators Winsley, Prentice, Thibaudeau and Fairley**

*AN ACT Relating to unprofessional conduct of chemical dependency professionals and counselors; amending RCW 18.19.050; and adding a new section to chapter 18.205 RCW.  
Referred to Committee on Health and Long-Term Care.*

**SB 6364 by Senators Winsley, Prentice, Hargrove, Fairley, Kastama and Rasmussen**

*AN ACT Relating to the recommendations of the joint legislative task force on mobile/manufactured home alteration and repair; amending RCW 43.22.434, 43.22.434, 43.22.340, 43.22.432, 64.06.005, and 43.22.335; adding new sections to chapter 43.22 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6365 by Senators Winsley, McAuliffe, Finkbeiner, Prentice, Fairley, Eide, Rasmussen, Shin, Kohl-Welles, Keiser, Kline, Carlson and Hale**

*AN ACT Relating to lowering the age for mandatory school attendance; amending RCW 28A.225.010; and repealing RCW 28A.225.015.  
Referred to Committee on Education.*

**SB 6366 by Senators Shin, Fairley, Kastama, Rasmussen, Stevens, Costa and Gardner**

*AN ACT Relating to metropolitan municipal corporations; and amending RCW 35.58.320.  
Referred to Committee on State and Local Government.*

**SB 6367 by Senators Honeyford, Prentice, Johnson, Shin, Winsley and Carlson**

*AN ACT Relating to residency status for purposes of tuition at institutions of higher education; amending RCW 28B.15.012; and providing an effective date.  
Referred to Committee on Higher Education.*

**SB 6368 by Senators Thibaudeau, Deccio and Winsley**

*AN ACT Relating to development of a prescription drug education and utilization system; amending RCW 74.09.010, 41.05.011, 42.30.110, and 41.05.026; adding new sections to chapter 41.05 RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 43.70 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 43.60A RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.*

**SB 6369 by Senators Kohl-Welles, Prentice, Winsley, Gardner, Deccio and Rasmussen**

*AN ACT Relating to issuing credit cards to persons under the age of twenty-one; adding a new section to chapter 28B.10 RCW; adding a new chapter to Title 19 RCW; and creating a new section.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6370 by Senators Kohl-Welles, Hargrove and Long**

*AN ACT Relating to assessments for the prostitution prevention and intervention account; amending RCW 9.68A.105 and 9A.88.120; and prescribing penalties.  
Referred to Committee on Human Services and Corrections.*

**SB 6371** by Senators McAuliffe, Winsley, Fairley, Benton, Haugen, Finkbeiner, Eide, Rasmussen, Kastama, Franklin, Prentice, Johnson, T. Sheldon, Jacobsen, Kohl-Welles and Keiser

*AN ACT Relating to public school license plates; amending RCW 46.16.313; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 46.16 RCW.  
Referred to Committee on Transportation.*

**SB 6372** by Senators Fraser and Winsley (by request of Department of Personnel)

*AN ACT Relating to the combined fund drive; amending RCW 41.04.035, 41.04.036, and 41.04.230; reenacting and amending RCW 43.79A.040; and adding new sections to chapter 41.04 RCW.  
Referred to Committee on Ways and Means.*

**SB 6373** by Senators Keiser, Winsley, Prentice, Hochstatter, Franklin, Rasmussen, Kline and Spanel

*AN ACT Relating to noncompetition agreements involving the broadcasting industry; adding a new section to chapter 49.44 RCW; and declaring an emergency.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6374** by Senators Jacobsen, Winsley, Regala, Carlson and Fraser (by request of Joint Committee on Pension Policy)

*AN ACT Relating to correcting errors and oversights in certain retirement system statutes; amending RCW 28A.405.900, 41.45.010, 41.45.050, 41.35.700, 41.35.510, and 41.50.790; reenacting and amending RCW 41.45.020; reenacting RCW 41.45.060; and repealing 2001 2nd sp.s. c 10 s 12.  
Referred to Committee on Ways and Means.*

**SB 6375** by Senators Fraser, Winsley, Regala, Carlson, Rasmussen, Kastama and Oke (by request of Joint Committee on Pension Policy)

*AN ACT Relating to conforming the Washington state retirement systems to federal requirements on veterans; and amending RCW 41.04.005, 41.40.170, and 43.43.260.  
Referred to Committee on Ways and Means.*

**SB 6376** by Senators Regala, Winsley, Fraser, Carlson, Jacobsen, Rasmussen, Kastama and Oke (by request of Joint Committee on Pension Policy)

*AN ACT Relating to the transfer of seasonal and military leave of absence employees to the public employees' retirement system plan 3; and creating a new section.  
Referred to Committee on Ways and Means.*

**SB 6377** by Senators Regala, Carlson, Winsley, Spanel, Jacobsen, Fraser, Rasmussen, Eide and McAuliffe (by request of Joint Committee on Pension Policy)

*AN ACT Relating to allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation; and amending RCW 41.32.010.  
Referred to Committee on Ways and Means.*

**SB 6378** by Senators Spanel, Carlson, Jacobsen, Winsley, Fraser, Regala, Rasmussen, McAuliffe, Kohl-Welles and Keiser (by request of Joint Committee on Pension Policy)

*AN ACT Relating to part-time leaves of absence for law enforcement members of the law enforcement officers' and fire fighters' retirement system plan 2; and amending RCW 41.26.520.  
Referred to Committee on Ways and Means.*

**SB 6379** by Senators Carlson, Winsley, Jacobsen, Fraser, Regala, Rasmussen, McAuliffe and Hale (by request of Joint Committee on Pension Policy)

*AN ACT Relating to transferring service credit and contributions into the Washington state patrol retirement system by members who served as commercial vehicle enforcement officers and who became commissioned officers in the Washington state patrol after July 1, 2000, and prior to June 30, 2001; and adding a new section to chapter 41.40 RCW.  
Referred to Committee on Ways and Means.*

**SB 6380** by Senators Winsley, Fraser, Carlson, Spanel, Jacobsen, Regala, Rasmussen, McAuliffe and Kohl-Welles (by request of Joint Committee on Pension Policy)

*AN ACT Relating to creating new survivor benefit division options for divorced members of the law enforcement officers' and fire fighters' retirement system, the teachers' retirement system, the school employees' retirement system, the public employees' retirement system, and the Washington state patrol retirement system; amending RCW 41.26.160, 41.26.161, 41.26.162, 41.50.670, 41.50.700, 41.26.460, 41.32.530, 41.32.785, 41.32.851, 41.35.220, 41.40.188, 41.40.660, 41.40.845, 43.43.270, and 43.43.271; and adding a new section to chapter 41.26 RCW.  
Referred to Committee on Ways and Means.*

**SB 6381** by Senators Fraser, Winsley, Spanel, Regala and Jacobsen (by request of Joint Committee on Pension Policy)

*AN ACT Relating to public employees' retirement system plan 1 members who separate from service without withdrawing their contributions from the retirement system; and amending RCW 41.40.150.  
Referred to Committee on Ways and Means.*

**SB 6382** by Senators Jacobsen, Winsley, Regala, Carlson, Spanel, Fraser, Rasmussen, McAuliffe and Keiser (by request of Joint Committee on Pension Policy)

*AN ACT Relating to providing a death benefit for certain state employees; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.32 RCW; and adding a new section to chapter 41.35 RCW.  
Referred to Committee on Ways and Means.*

**SB 6383** by Senators Spanel, Carlson, Regala, Fraser, Winsley, Jacobsen, Rasmussen and McAuliffe (by request of Joint Committee on Pension Policy)

*AN ACT Relating to allowing a member who is at least age seventy and one-half or a member holding state elective office or directly appointed by the governor who wishes to be eligible for a retirement allowance the option of ending his or her membership in the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system; amending RCW 41.32.263, 41.32.010, 41.35.030, and 41.40.023; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; and adding a new section to chapter 41.40 RCW.  
Referred to Committee on Ways and Means.*

**SB 6384** by Senators Brown, Rossi, Snyder, West, Rasmussen and Oke (by request of Governor Locke)

*AN ACT Relating to implementing the recommendations of the investment income tax deduction task force for the business and occupation tax; amending RCW 82.04.4281; creating a new section; and declaring an emergency.  
Referred to Committee on Ways and Means.*

**SB 6385** by Senators Rasmussen, Long, Kastama, Winsley, Eide, Franklin, Shin, Hargrove, McCaslin, Morton, Swecker, Fairley, Honeyford, Brown, Gardner and Oke

*AN ACT Relating to endangerment of children and dependent persons with a controlled substance; amending RCW 9A.42.010, 13.34.132, and 43.43.830; reenacting and amending RCW*

9.94A.515; adding new sections to chapter 9A.42 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

**SB 6386** by Senators Eide, Shin, Kastama, Franklin, Gardner, Keiser, Regala, McAuliffe, Spanel, Carlson, Winsley, Prentice, Kohl-Welles, Costa, Fraser, Fairley, Thibaudeau, Brown, Poulsen and B. Sheldon (by request of Governor Locke and Superintendent of Public Instruction Bergeson)

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, and 39.36.020; repealing RCW 28A.530.020; and providing a contingent effective date.

Referred to Committee on Education.

**SB 6387** by Senator Brown (by request of Governor Locke)

AN ACT Relating to fiscal matters; amending RCW 70.146.030; amending 2001 2nd sp.s. c 7 s 105, 109, 111, 113, 114, 115, 117, 118, 120, 123, 125, 127, 129, 131, 133, 134, 136, 137, 138, 139, 142, 143, 144, 148, 151, 152, 153, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217, 219, 220, 221, 222, 224, 302, 303, 304, 306, 307, 308, 309, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 521, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 614, 615, 616, 617, 618, 619, 701, 702, 703, 704, 706, 716, 719, 722, 727, 728, 729, 730, 801, and 805 (uncodified); reenacting and amending RCW 43.320.110; adding new sections to 2001 2nd sp.s. c 7 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways and Means.

**SB 6388** by Senators Prentice, Franklin, Regala, Kline, Keiser and Gardner (by request of Department of Trade and Economic Development)

AN ACT Relating to the linked deposit program; amending RCW 43.86A.060 and 43.63A.690; adding a new section to chapter 39.19 RCW; and repealing RCW 43.131.381 and 43.131.382.

Referred to Committee on Labor, Commerce and Financial Institutions.

**SB 6389** by Senators Benton, McAuliffe, Hewitt, Swecker, Roach, Morton, Haugen, Long, Stevens, McCaslin, Johnson, Snyder, Honeyford, Sheahan, Rossi, Rasmussen, Eide, Hale and Oke

AN ACT Relating to the ability to place the United States flag on school district buses; and amending RCW 46.61.380.

Referred to Committee on Education.

**SB 6390** by Senators Benton, Horn, Hewitt, Oke, Parlette, Long, Hochstatter, Hale, Swecker, Stevens, Roach, Johnson, Honeyford, McCaslin and McAuliffe

AN ACT Relating to safety rest areas; and adding a new section to chapter 47.38 RCW.

Referred to Committee on Transportation.

**SB 6391** by Senators Benton, Fairley, Finkbeiner, Hewitt, Hochstatter, Morton, Swecker, Stevens, Roach, Rossi, Honeyford, Johnson and Kline

AN ACT Relating to personal privacy for hunters and fishers; amending RCW 26.23.150; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources, Parks and Shorelines.

**SB 6392** by Senators Benton, Long and Stevens

*AN ACT Relating to sales and use taxation of nonprofit youth centers located on school district property; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.  
Referred to Committee on Ways and Means.*

**SB 6393** by Senators Kline, Deccio, Haugen, Honeyford, Eide, Kastama and Horn

*AN ACT Relating to interlocal agreements for jail services; and amending RCW 70.48.090 and 70.48.220.  
Referred to Committee on Judiciary.*

**SB 6394** by Senators Eide, Rasmussen and Kline

*AN ACT Relating to making appropriations to assist city fire departments and fire protection districts with the purchase of thermal imaging equipment; and making an appropriation.  
Referred to Committee on Ways and Means.*

**SB 6395** by Senators Rasmussen, Winsley, Hewitt, Gardner, Honeyford, Prentice, Haugen, Regala, Hochstatter, McAuliffe and Hale

*AN ACT Relating to the merchandising of beer and wine by employees between the ages of eighteen and twenty-one on or about a licensee's premises; and amending RCW 66.44.318.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6396** by Senators Fairley and Zarelli (by request of Governor Locke)

*AN ACT Relating to the capital budget; amending 2001 2nd sp.s. c 8 ss 117, 147, 257, 270, 278, 303, 344, 346, 350, 383, 387, 427, 602, 634, 658, 667, 680, 700, 702, 712, 724, 749, 750, 751, 752, 755, 809, 824, 828, 829, 907, and 415 (uncodified); adding new sections to 2001 2nd sp.s. c 8 (uncodified); creating new sections; repealing 2001 2nd sp.s. c 8 ss 184, 186, 187, and 421 (uncodified); making appropriations; authorizing expenditures for capital improvements; and declaring an emergency.  
Referred to Committee on Ways and Means.*

**SB 6397** by Senators Fairley, Zarelli, Kohl-Welles and Keiser (by request of Governor Locke)

*AN ACT Relating to education building construction and renovation in the state of Washington; amending RCW 39.42.060; amending 2001 2nd sp.s. c 9 ss 1 and 2 (uncodified); adding a new chapter to Title 43 RCW; and declaring an emergency.  
Referred to Committee on Ways and Means.*

**SB 6398** by Senators Fairley, Zarelli and Spanel (by request of Governor Locke)

*AN ACT Relating to authorization for projects recommended by the public works board; creating a new section; and declaring and emergency.  
Referred to Committee on Ways and Means.*

**SB 6399** by Senators McAuliffe and Gardner

*AN ACT Relating to driving records; and amending RCW 46.52.130.  
Referred to Committee on Transportation.*

**SB 6400** by Senators Jacobsen, Oke, Kohl-Welles and Kline

*AN ACT Relating to biodiversity conservation; creating new sections; and making an appropriation.  
Referred to Committee on Natural Resources, Parks and Shorelines.*

**SB 6401** by Senators Kline, Costa, Long, Fairley, Thibaudeau and Kohl-Welles

*AN ACT Relating to standardizing references to county clerks; and amending RCW 36.23.030, 6.32.350, and 59.28.040.  
Referred to Committee on Judiciary.*

**SB 6402** by Senators Costa, Long, Thibaudeau and Kline

*AN ACT Relating to legal financial obligation deductions from inmate funds and wages; and amending RCW 72.11.020 and 72.09.111.  
Referred to Committee on Human Services and Corrections.*

**SB 6403** by Senators Kohl-Welles, Prentice, Winsley, Keiser, Kline and Gardner

*AN ACT Relating to collective bargaining for University of Washington employees who are enrolled in academic programs; adding a new section to chapter 41.56 RCW; and declaring an emergency.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6404** by Senators Jacobsen and Costa

*AN ACT Relating to duties of the sheriff; and amending RCW 36.28.010..  
Referred to Committee on Judiciary.*

**SB 6405** by Senators Parlette and Haugen

*AN ACT Relating to comprehensive plan amendment procedures; and amending RCW 36.70A.130.  
Referred to Committee on State and Local Government.*

**SB 6406** by Senators Costa, Eide, Fairley, Kastama, Jacobsen, Rasmussen, Gardner and Oke

*AN ACT Relating to vehicular homicide; reenacting and amending RCW 9.94A.515 and 9.94A.030; and prescribing penalties.  
Referred to Committee on Judiciary.*

**SB 6407** by Senators Costa, Kohl-Welles, Kline, Kastama and Thibaudeau

*AN ACT Relating to the trafficking of persons; amending RCW 7.68.020; and creating new sections.  
Referred to Committee on Judiciary.*

**SB 6408** by Senators Costa, Hargrove, Long, Kline, Zarelli, Johnson, Rasmussen and Oke

*AN ACT Relating to restoring sex offender registration for nonfelony communication with a minor convictions; reenacting and amending RCW 9A.44.130; creating a new section; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.*

**SB 6409** by Senators Prentice, Hargrove, Johnson, Rossi, Rasmussen, Honeyford, Gardner, Finkbeiner and Hale

*AN ACT Relating to construction defect claims asserting property loss and damage; adding a new section to chapter 64.34 RCW; adding a new section to chapter 4.16 RCW; and adding a new chapter to Title 64 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6410** by Senators Carlson, Zarelli, Benton, Hargrove and Hale

*AN ACT Relating to establishing a pilot program authorizing designation of industrial land banks outside urban growth areas under certain circumstances; and amending RCW 36.70A.367.*

*Referred to Committee on State and Local Government.*

**SB 6411** by Senators Kohl-Welles, McAuliffe, Carlson, B. Sheldon, Regala, Shin, Finkbeiner and Fraser (by request of The Evergreen State College)

*AN ACT Relating to the participation in the running start program by institutions of higher education; and amending RCW 28A.600.300.  
Referred to Committee on Higher Education.*

**SB 6412** by Senators Kohl-Welles, Costa, Prentice, Winsley, Long, Keiser and Benton

*AN ACT Relating to international matchmaking organizations; amending RCW 43.43.760; and adding a new chapter to Title 19 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6413** by Senators Gardner, Prentice, Franklin, Winsley, Keiser, Rasmussen and Regala

*AN ACT Relating to late payment charges; and amending RCW 63.14.090.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6414** by Senators Prentice, Winsley, Deccio, Keiser and Kline (by request of Attorney General Gregoire and Governor Locke)

*AN ACT Relating to licensing and regulating money transmitters and currency exchangers; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6415** by Senators Prentice, Winsley, Keiser, Kline, Spanel, Gardner and Rasmussen (by request of Attorney General Gregoire and Governor Locke)

*AN ACT Relating to price gouging during significant disruption, emergency, or disaster; and adding a new section to chapter 38.52 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6416** by Senators Poulsen, Hewitt, Morton, Fraser, McAuliffe, Hale and Rasmussen

*AN ACT Relating to allowing public utility districts to define the eligible group of low-income citizens to whom they may provide services at reduced rates; and amending RCW 74.38.070.  
Referred to Committee on Environment, Energy and Water.*

**SB 6417** by Senator Johnson

*AN ACT Relating to the filing of wills in superior court; and amending RCW 11.20.050.  
Referred to Committee on Judiciary.*

**SJM 8028** by Senators Stevens, Benton, Johnson, Morton, Honeyford, Rossi, Long, Hochstatter, Swecker, Roach and Kline

*Requesting the elimination of the requirement that states collect social security numbers.*

*Referred to Committee on Judiciary.*

**SJM 8029** by Senators Kohl-Welles, Rasmussen, Swecker, Hewitt, Sheahan, Prentice, Honeyford, Hargrove, Spanel, Hale, Brown, Snyder, Haugen, McAuliffe and Kline

*Petitioning to end restrictions on trade with Cuba.*

*Referred to Committee on Agriculture and International Trade.*

**SJM 8030 by Senators Jacobsen, Poulsen, Kline and Spanel**

**Requesting recognition of the Puget Sound Nearshore Ecosystem Restoration Project.**

**Referred to Committee on Natural Resources, Parks and Shorelines.**

**SJR 8223 by Senators Stevens, Hale, Benton, Honeyford, Oke, McCaslin, Hochstatter, Swecker and Roach**

**Reducing the assessed value of real estate by amounts spent on certain fees.**

**Referred to Committee on Ways and Means.**

**SJR 8224 by Senators Eide, Shin, Gardner, Prentice, Franklin, Regala, Jacobsen, Keiser, McAuliffe, Spanel, Kastama, Winsley, Fairley, Thibaudeau, Fraser, Brown, Carlson, Kohl-Welles, Costa, Poulsen, Kline and B. Sheldon (by request of Governor Locke and Superintendent of Public Instruction Bergeson)**

**Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies.**

**Referred to Committee on Education.**

#### **MOTIONS**

**On motion of Senator Betti Sheldon, Senate Bill No. 6403 was referred to the Committee on Labor, Commerce and Financial Institutions.**

**On motion of Senator Betti Sheldon, Senate Bill No. 6352 was held at the desk.**

**EDITOR'S NOTE: See further referrals from the Introduction and First Reading Calendar later on today.**

#### **INTRODUCTION OF SPECIAL GUESTS**

**The President welcomed and introduced a delegation visiting from Okinawa, Japan, who were seated in the gallery. Leading the delegation were Mayor Masakazu Nakasone and Assembly Speaker Yasohide Shinzato.**

#### **THIRD READING**

**ENGROSSED SUBSTITUTE SENATE BILL NO. 5743, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Horn, Shin, Winsley, Oke and Kohl-Welles) (by request of The Blue Ribbon Commission on Transportation)**

**Investing in human resources for transportation.**

#### **MOTIONS**

**On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5743 was returned to second reading and read the second time.**

**Senator Haugen moved that the following striking amendment be adopted:**

**Strike everything after the enacting clause and insert the following:**

**NEW SECTION. Sec. 1. The legislature finds that a skilled technical work force is necessary for maintaining, preserving, and improving Washington's transportation system. The Blue Ribbon Commission on Transportation found that state and local transportation agencies are showing signs of a work force that is insufficiently skilled to operate the transportation system at its highest level. This act is intended to explore methods for fostering a stronger industry in transportation planning and engineering.**

**NEW SECTION. Sec. 2. A new section is added to chapter 49.04 RCW to read as follows:**

**The apprenticeship council shall work with the department of transportation, local transportation jurisdictions, local and state joint apprenticeships, representatives of transportation labor groups, and representatives of the state's universities and community and vocational colleges to establish technical apprenticeship opportunities specific to the**

needs of transportation. The council shall issue a report of findings and recommendations to the transportation committees of the legislature by December 1, 2002. The report must include, but not be limited to, findings and recommendations regarding the establishment of transportation technical training programs within the community and vocational college system and in the state universities.

**NEW SECTION.** Sec. 3. A new section is added to chapter 47.01 RCW to read as follows:

The department of transportation shall work with local transportation jurisdictions and representatives of transportation labor groups to establish a human resources skills bank of transportation professionals. The skills bank must be designed to allow all transportation authorities to draw from it when needed. The department shall issue a report of findings and recommendations to the transportation committees of the legislature by December 1, 2002. The report must include, but not be limited to, identification of any statutory or administrative rule changes necessary to create the skills bank and allow it to function in the manner described.

**NEW SECTION.** Sec. 4. A new section is added to chapter 47.06 RCW to read as follows:

The state-interest component of the statewide multimodal transportation plan must include a plan for enhancing the skills of the existing technical transportation work force.

Sec. 5. RCW 47.80.030 and 1998 c 171 s 9 are each amended to read as follows:

(1) Each regional transportation planning organization shall develop in cooperation with the department of transportation, providers of public transportation and high capacity transportation, ports, and local governments within the region, adopt, and periodically update a regional transportation plan that:

(a) Is based on a least cost planning methodology that identifies the most cost-effective facilities, services, and programs;

(b) Identifies existing or planned transportation facilities, services, and programs, including but not limited to major roadways including state highways and regional arterials, transit and nonmotorized services and facilities, multimodal and intermodal facilities, marine ports and airports, railroads, and noncapital programs including transportation demand management that should function as an integrated regional transportation system, giving emphasis to those facilities, services, and programs that exhibit one or more of the following characteristics:

(i) Crosses member county lines;

(ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;

(iii) Significant impacts are expected to be felt in more than one county;

(iv) Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies;

(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance; and

(vi) Provides for system continuity;

(c) Establishes level of service standards for state highways and state ferry routes, with the exception of transportation facilities of statewide significance as defined in RCW 47.06.140. These regionally established level of service standards for state highways and state ferries shall be developed jointly with the department of transportation, to encourage consistency across jurisdictions. In establishing level of service standards for state highways and state ferries, consideration shall be given for the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local commuters using state facilities;

(d) Includes a financial plan demonstrating how the regional transportation plan can be implemented, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques to finance needed facilities, services, and programs;

(e) Assesses regional development patterns, capital investment and other measures necessary to:

(i) Ensure the preservation of the existing regional transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit, railroad systems and corridors, and nonmotorized facilities; and

(ii) Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods;

(f) Sets forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of the integrated, multimodal regional transportation system; ~~(and)~~

(g) Where appropriate, sets forth the relationship of high capacity transportation providers and other public transit providers with regard to responsibility for, and the coordination between, services and facilities; and

(h) Provides for training that enhances the skills of the existing technical transportation work force.

(2) The organization shall review the regional transportation plan biennially for currency and forward the adopted plan along with documentation of the biennial review to the state department of transportation.

(3) All transportation projects, programs, and transportation demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and with the adopted regional growth and transportation strategies.

**NEW SECTION.** Sec. 6. The department of labor and industries, in cooperation with the department of transportation, shall conduct an assessment of the current practices, including survey techniques, used in setting prevailing wages for those trades related to transportation facilities and transportation project delivery. The assessment must include an analysis of regional variations. A final report must be submitted to the governor and the transportation committees of the senate and house of representatives by December 1, 2002."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Haugen to Engrossed Substitute Senate Bill No. 5743.

*The motion by Senator Haugen carried and the striking amendment was adopted.*

#### **MOTIONS**

*On motion of Senator Haugen, the following title amendment was adopted:*

*On line 1 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 47.80.030; adding a new section to chapter 49.04 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 47.06 RCW; and creating new sections."*

*On motion of Senator Haugen, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5743 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.*

*Debate ensued.*

*The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5743.*

#### **ROLL CALL**

*The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5743 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.*

*Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 46.*

*Excused: Senators Kline, Roach and Zarelli - 3.*

*SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.*

#### **THIRD READING**

*ENGROSSED SUBSTITUTE SENATE BILL NO. 5760, by Senate Committee on Transportation (originally sponsored by Senators Patterson, Horn, Prentice, McAuliffe, Shin, Finkbeiner, Haugen and Kohl-Welles) (by request of The Blue Ribbon Commission on Transportation)*

*Directing use of intelligent transportation systems and traffic system management.*

#### **MOTIONS**

*On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5760 was returned to second reading and read the second time.*

*On motion of Senator Haugen, the following striking amendment was adopted:*

*Strike everything after the enacting clause and insert the following:*

*"NEW SECTION. Sec. 1. The legislature finds that emerging technologies can assist in optimizing the state's large, complex, and increasingly congested transportation system. Traffic system management (TSM) and intelligent transportation systems (ITS) are designed to add capacity without requiring major new infrastructure additions.*

*The legislature intends that funding be provided to projects and programs that provide cost-effective means of relieving congestion. The projects and programs may include, but are not limited to, freeway ramp metering, signal synchronization, patrols dedicated to removal of disabled vehicles from roadways, and highway messaging signs.*

*NEW SECTION. Sec. 2. A new section is added to chapter 47.05 RCW to read as follows:*

*The department shall not spend more than five percent of funds from the improvement program for intelligent transportation systems (ITS) and traffic system management (TSM) projects and programs that improve system performance and capacity. The projects and programs may include, but are not limited to, the following: Traffic and incident management, which includes freeway on-ramp metering; signal synchronization; intersection modification; priority treatment for high-occupancy and transit vehicles; and roving service patrols designed to quickly remove disabled vehicles from roadways. Projects and programs selected for funding under this section must undergo a benefit/cost analysis that yields benefits greater than one to one.*

*By December 1st of each year the department must report to the office of financial management and the legislature on the amount of funds spent on intelligent transportation systems and traffic systems projects and programs.*

*NEW SECTION. Sec. 3. This act takes effect July 1, 2002."*

#### **MOTIONS**

*On motion of Senator Haugen, the following title amendment was adopted:*

On line 2 of the title, after "management;" strike the remainder of the title and insert "adding a new section to chapter 47.05 RCW; creating a new section; and providing an effective date."

On motion of Senator Haugen, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5760 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5760.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5760 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 47.

Excused: Senators Kline and Zarelli - 2.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5760, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5748, by Senate Committee on Transportation (originally sponsored by Senators McAuliffe, Horn, Shin, Winsley, Oke, Haugen, Kohl-Welles and Kastama) (by request of The Blue Ribbon Commission on Transportation)

*Integrating transportation and land use planning.*

#### MOTIONS

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5748 was returned to second reading and read the second time.

On motion of Senator Haugen, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.63.060 and 1988 c 127 s 1 are each amended to read as follows:

The commission may act as the research and fact finding agency of the municipality. To that end it may make such surveys, analyses, researches and reports as are generally authorized or requested by its council or board, or by the state with the approval of its council or board. The commission, upon such request or authority may also:

(1) Make inquiries, investigations, and surveys concerning the resources of the county, including but not limited to the potential for solar energy development and alternative means to encourage and protect access to direct sunlight for solar energy systems;

(2) Assemble and analyze the data thus obtained and formulate plans for the conservation of such resources and the systematic utilization and development thereof;

(3) Make recommendations from time to time as to the best methods of such conservation, utilization, and development;

(4) Cooperate with other commissions and with other public agencies of the municipality, state and United States in such planning, conservation, and development; and

(5) In particular cooperate with and aid the state within its territorial limits in the preparation of the state master plan provided for in RCW 43.21A.350 and in advance planning of public works programs.

In carrying out its powers and duties, the commission should demonstrate how land use planning is integrated with transportation planning.

Sec. 2. RCW 35A.63.060 and 1967 ex.s. c 119 s 35A.63.060 are each amended to read as follows:

Every code city, by ordinance, shall direct the planning agency to prepare a comprehensive plan for anticipating and influencing the orderly and coordinated development of land and building uses of the code city and its environs. The comprehensive plan may be prepared as a whole or in successive parts. The plan should integrate transportation and land use planning.

Sec. 3. RCW 47.05.051 and 1998 c 175 s 12 are each amended to read as follows:

The comprehensive six-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection systems that incorporate the following criteria:

(1) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

(a) Extending the service life of the existing highway system;

(b) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

(c) *Minimizing life cycle costs.* The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the six-year program.

(2) *Priority programming for the improvement program shall take into account the following, not necessarily in order of importance:*

(a) *Support for the state's economy, including job creation and job preservation;*

(b) *The cost-effective movement of people and goods;*

(c) *Accident and accident risk reduction;*

(d) *Protection of the state's natural environment;*

(e) *Continuity and systematic development of the highway transportation network;*

(f) *Consistency with local comprehensive plans developed under chapter 36.70A RCW as follows:*

*(i) Support for development in and revitalization of existing downtowns;*

*(ii) Extent that development implements local comprehensive plans for rural and urban residential and nonresidential densities;*

*(iii) Extent of compact, transit-oriented development at appropriate residential and nonresidential densities; and*

*(iv) Feasibility of multimodal transportation;*

(g) *Consistency with regional transportation plans developed under chapter 47.80 RCW;*

(h) *Public views concerning proposed improvements;*

(i) *The conservation of energy resources;*

(j) *Feasibility of financing the full proposed improvement;*

(k) *Commitments established in previous legislative sessions;*

(l) *Relative costs and benefits of candidate programs;*

(m) *Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding; ((and))*

(n) *Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.*

(3) *The commission may depart from the priority programming established under subsections (1) and (2) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.*

(4) *The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.*

Sec. 4. RCW 47.06.040 and 1998 c 199 s 1 are each amended to read as follows:

The department shall develop a statewide multimodal transportation plan under RCW 47.01.071(3) and in conformance with federal requirements, to ensure the continued mobility of people and goods within regions and across the state in a safe, cost-effective manner. The statewide multimodal transportation plan shall consist of:

(1) A state-owned facilities component, which shall guide state investment for state highways including bicycle and pedestrian facilities, and state ferries; and

(2) A state-interest component, which shall define the state interest in aviation, marine ports and navigation, freight rail, intercity passenger rail, bicycle transportation and pedestrian walkways, and public transportation, and recommend actions in coordination with appropriate public and private transportation providers to ensure that the state interest in these transportation modes is met.

The plans developed under each component must be consistent with the state transportation policy plan and with each other, reflect public involvement, be consistent with regional transportation planning, high-capacity transportation planning, and local comprehensive plans prepared under chapter 36.70A RCW, and include analysis of intermodal connections and choices. A primary emphasis for these plans shall be the relief of congestion, the preservation of existing investments and downtowns, ability to attract or accommodate planned population, and employment growth, the improvement of traveler safety, the efficient movement of freight and goods, and the improvement and integration of all transportation modes to create a seamless intermodal transportation system for people and goods.

In the development of the statewide multimodal transportation plan, the department shall identify and document potential affected environmental resources, including, but not limited to, wetlands, storm water runoff, flooding, air quality, fish passage, and wildlife habitat. The department shall conduct its environmental identification and documentation in coordination with all relevant environmental regulatory authorities, including, but not limited to, local governments. The department shall give the relevant environmental regulatory authorities an opportunity to review the department's environmental plans. The relevant environmental regulatory authorities shall provide comments on the department's environmental plans in a timely manner. Environmental identification and documentation as provided for in RCW 47.01.300 and this section is not intended to create a private right of action or require an environmental impact statement as provided in chapter 43.21C RCW.

**NEW SECTION.** Sec. 5. A new section is added to chapter 47.26 RCW to read as follows:

In any project funded by the transportation improvement board, and in addition to any other items required to be considered by statute, the board also shall consider the land use implications of the project, such as whether the programs and projects:

(1) *Support development in and revitalization of existing downtowns;*

(2) *Implement local comprehensive plans for rural and urban residential and nonresidential densities;*

- (3) Have land use planning and regulations encouraging compact development at appropriate residential and nonresidential densities; and  
(4) Promote the use of multimodal transportation."

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted: On line 2 of the title, after "planning;" strike the remainder of the title and insert "amending RCW 35.63.060, 35A.63.060, 47.05.051, and 47.06.040; and adding a new section to chapter 47.26 RCW."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5748 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5748.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5748 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 48.

Excused: Senator Zarelli - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5748, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5749, by Senate Committee on Transportation (originally sponsored by Senators McAuliffe, Horn, Winsley, Oke and Haugen) (by request of The Blue Ribbon Commission on Transportation)

Adopting cost-benefit analysis for transportation planning.

#### MOTIONS

On motion of Senator Haugen, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5749 was returned to second reading and read the second time.

On motion of Senator Haugen, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.05.010 and 1993 c 490 s 1 are each amended to read as follows:

The legislature finds that solutions to state highway deficiencies have become increasingly complex and diverse and that anticipated transportation revenues will fall substantially short of the amount required to satisfy all transportation needs. Difficult investment trade-offs will be required.

It is the intent of the legislature that investment of state transportation funds to address deficiencies on the state highway system be based on a policy of priority programming having as its basis the rational selection of projects and services according to factual need and an evaluation of life cycle costs and benefits ((and which)) that are systematically scheduled to carry out defined objectives within available revenue. The state must develop analytic tools to use a common methodology to measure benefits and costs for all modes.

The priority programming system ((shall)) must ensure preservation of the existing state highway system, relieve congestion, provide mobility for people and goods, support the state's economy, and promote environmental protection and energy conservation.

The priority programming system ((shall)) must implement the state-owned highway component of the statewide ((multimodal)) transportation plan, consistent with local and regional transportation plans, by targeting state transportation investment to appropriate multimodal solutions ((which)) that address identified state highway system deficiencies.

The priority programming system for improvements ((shall)) must incorporate a broad range of solutions that are identified in the statewide ((multimodal)) transportation plan as appropriate to address state highway system deficiencies, including but not limited to highway expansion, efficiency improvements, nonmotorized transportation facilities, high occupancy vehicle facilities, transit facilities and services, rail facilities and services, and transportation demand management programs.

Sec. 2. RCW 47.05.030 and 1998 c 171 s 6 are each amended to read as follows:

The transportation commission shall adopt a comprehensive six-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The ((needs)) analysis process ((shall)) must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program ((shall)) must be revised biennially, effective on July 1st of odd-numbered years. The investment program ((shall)) must be based upon the needs identified in the state-owned highway component of the statewide ((multimodal)) transportation plan as defined in RCW 47.01.071(3).

(1) The preservation program ((shall)) consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

- (a) Life-cycle cost analysis;
- (b) Traffic volume;
- (c) Subgrade soil conditions;
- (d) Environmental and weather conditions;
- (e) Materials available; and
- (f) Construction factors.

The comprehensive six-year investment program for preservation ((shall)) must identify projects for two years and an investment plan for the remaining four years.

(2) The improvement program ((shall)) consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve ((mobility,)) safety, support for the economy, and protection of the environment. The six-year investment program for improvements ((shall)) must identify projects for two years and major deficiencies proposed to be addressed in the six-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

The transportation commission shall approve and present the comprehensive six-year investment program to the legislature in support of the biennial budget request under RCW 44.40.070 and 44.40.080.

Sec. 3. RCW 47.05.035 and 1993 c 490 s 4 are each amended to read as follows:

(1) The department and the commission shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department and the commission can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in. The first phase will build upon the modeling work initiated by the four-county Puget Sound regional council.

(3) In developing program objectives and performance measures, the transportation commission shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the commission shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

(4) The commission shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

- ((1)) (a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;
  - ((2)) (b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;
  - ((3)) (c) The continuity of future transportation development with those improvements previously programmed;
- and

((4)) (d) The availability of dedicated funds for a specific type of work.

Sec. 4. RCW 47.05.051 and 1998 c 175 s 12 are each amended to read as follows:

The comprehensive six-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection systems that incorporate the following criteria:

(1) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

(a) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

- (i) Life-cycle cost analysis;
- (ii) Traffic volume;
- (iii) Subgrade soil conditions;
- (iv) Environmental and weather conditions;
- (v) Materials available; and
- (vi) Construction factors;

(b) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

(c) *Minimizing life cycle costs.* The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the six-year program.

(2) *Priority programming for the improvement program shall take into account the following:*

(a) *Support for the state's economy, including job creation and job preservation;*

(b) *The cost-effective movement of people and goods;*

(c) *Accident and accident risk reduction;*

(d) *Protection of the state's natural environment;*

(e) *Continuity and systematic development of the highway transportation network;*

(f) *Consistency with local comprehensive plans developed under chapter 36.70A RCW;*

(g) *Consistency with regional transportation plans developed under chapter 47.80 RCW;*

(h) *Public views concerning proposed improvements;*

(i) *The conservation of energy resources;*

(j) *Feasibility of financing the full proposed improvement;*

(k) *Commitments established in previous legislative sessions;*

(l) *Relative costs and benefits of candidate programs;*

(m) *Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding; ((and))*

(n) *Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding; and*

(o) Congestion reduction.

(3) *The commission may depart from the priority programming established under subsections (1) and (2) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.*

(4) *The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.*

Sec. 5. RCW 47.06.130 and 1993 c 446 s 13 are each amended to read as follows:

(1) The department may carry out special transportation planning studies to resolve specific issues with the development of the state transportation system or other statewide transportation issues.

(2) The department shall conduct multimodal corridor analyses on major congested corridors where needed improvements are likely to cost in excess of one hundred million dollars. Analysis will include the cost-effectiveness of all feasible strategies in addressing congestion or improving mobility within the corridor, and must recommend the most effective strategy or mix of strategies to address identified deficiencies. A long-term view of corridors must be employed to determine whether an existing corridor should be expanded, a city or county road should become a state route, and whether a new corridor is needed to alleviate congestion and enhance mobility based on travel demand. To the extent practicable, full costs of all strategies must be reflected in the analysis. At a minimum, this analysis must include:

(a) The current and projected future demand for total person trips on that corridor;

(b) The impact of making no improvements to that corridor;

(c) The daily cost per added person served for each mode or improvement proposed to meet demand;

(d) The cost per hour of travel time saved per day for each mode or improvement proposed to meet demand; and

(e) How much of the current and anticipated future demand will be met and left unmet for each mode or improvement proposed to meet demand.

The end result of this analysis will be to provide a cost-benefit analysis by which policymakers can determine the most cost-effective improvement or mode, or mix of improvements and modes, for increasing mobility and reducing congestion.

NEW SECTION. Sec. 6. This act takes effect July 1, 2002."

## MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On line 2 of the title, after "planning;" strike the remainder of the title and insert "amending RCW 47.05.010, 47.05.030, 47.05.035, 47.05.051, and 47.06.130; and providing an effective date."

On motion of Senator Haugen, the rules were suspended, Third Engrossed Substitute Senate Bill No. 5749 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Third Engrossed Substitute Senate Bill No. 5749.

## ROLL CALL

The Secretary called the roll on the final passage of Third Engrossed Substitute Senate Bill No. 5749 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 48.

Excused: Senator Zarelli - 1.

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5749, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### THIRD READING

ENGROSSED SENATE BILL NO. 5759, by Senate Committee on Transportation (originally sponsored by Senators Patterson, Horn, Prentice, McAuliffe, Shin, Finkbeiner, Winsley, Haugen, Franklin, Kohl-Welles and Kastama) (by request of The Blue Ribbon Commission on Transportation)

Improving traffic chokepoints.

### MOTIONS

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5759 was returned to second reading and read the second time.

On motion of Senator Haugen, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION.** Sec. 1. The legislature intends that funding for transportation improvements be allocated to the worst traffic chokepoints in the state. Furthermore, the legislature intends to fund projects that provide systemic relief throughout a transportation corridor, rather than spot improvements that fail to improve overall mobility within a corridor.

Sec. 2. RCW 47.05.051 and 1998 c 175 s 12 are each amended to read as follows:

(1) The comprehensive six-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection systems that incorporate the following criteria:

((f)) (a) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

((a)) (i) Extending the service life of the existing highway system;

((b)) (ii) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

((c)) (iii) Minimizing life cycle costs. The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the six-year program.

((2)) (b) Priority programming for the improvement program ((shall take into account)) must be based primarily upon the following:

((a)) (i) Traffic congestion, delay, and accidents;

(ii) Location within a heavily traveled transportation corridor;

(iii) Synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

(iv) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

(c) Priority programming for the improvement program may also take into account:

(i) Support for the state's economy, including job creation and job preservation;

((b)) (ii) The cost-effective movement of people and goods;

((c)) (iii) Accident and accident risk reduction;

((d)) (iv) Protection of the state's natural environment;

((e)) (v) Continuity and systematic development of the highway transportation network;

((f)) (vi) Consistency with local comprehensive plans developed under chapter 36.70A RCW;

((g)) (vii) Consistency with regional transportation plans developed under chapter 47.80 RCW;

((h)) (viii) Public views concerning proposed improvements;

((i)) (ix) The conservation of energy resources;

((j)) (x) Feasibility of financing the full proposed improvement;

((k)) (xi) Commitments established in previous legislative sessions;

((l)) (xii) Relative costs and benefits of candidate programs(;;).

((m)) (d) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding(;; and).

((n)) (e) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.

((3)) (2) The commission may depart from the priority programming established under subsection(s) (1) ((and (2))) of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required

to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.

~~((4))~~ (3) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.

NEW SECTION. Sec. 3. The department of transportation shall report the results of its priority programming under RCW 47.05.051 to the transportation committees of the senate and house of representatives by December 1, 2003, and December 1, 2005."

#### MOTIONS

*On motion of Senator Haugen, the following title amendment was adopted:*

*On line 1 of the title, after "improvements;" strike the remainder of the title and insert "amending RCW 47.05.051; creating new sections; and providing an effective date."*

*On motion of Senator Haugen, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5759 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.*

*Debate ensued.*

*The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5759.*

#### ROLL CALL

*The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5759 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.*

*Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 47.*

*Absent: Senator Honeyford - 1.*

*Excused: Senator Zarelli - 1.*

*SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5759, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.*

#### THIRD READING

*SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5764, by Senate Committee on Transportation (originally sponsored by Senators Shin, Horn, Winsley, Oke and Haugen) (by request of The Blue Ribbon Commission on Transportation)*

*Maintaining and preserving transportation facilities and assets.*

#### MOTIONS

*On motion of Senator Haugen, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5764 was returned to second reading and read the second time.*

*On motion of Senator Haugen, the following striking amendment was adopted:*

*Strike everything after the enacting clause and insert the following:*

*"NEW SECTION. Sec. 1. The legislature finds that roads, streets, bridges, and highways in the state represent public assets worth over one hundred billion dollars. These investments require regular maintenance and preservation, or rehabilitation, to provide cost-effective transportation services. Many of these facilities are in poor condition. Given the magnitude of public investment and the importance of safe, reliable roadways to the motoring public, the legislature intends to create stronger accountability to ensure that cost-effective maintenance and preservation is provided for these transportation facilities.*

*Sec. 2. RCW 35.84.060 and 1969 ex.s. c 281 s 26 are each amended to read as follows:*

*Every municipal corporation which owns or operates an urban public transportation system as defined in RCW 47.04.082 within its corporate limits, may acquire, construct, extend, own, or operate such urban public transportation system to any point or points not to exceed fifteen miles outside of its corporate limits: PROVIDED, That no municipal corporation shall extend its urban public transportation system beyond its corporate limits to operate in any territory already served by a privately operated auto transportation company holding a certificate of public convenience and necessity from the utilities and transportation commission.*

*As a condition of receiving state funding, the municipal corporation shall submit a maintenance management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation*

system assets within the direction and control of the municipality, and provide a preservation plan based on lowest life cycle cost methodologies.

**NEW SECTION.** Sec. 3. A new section is added to chapter 36.56 RCW to read as follows:

As a condition of receiving state funding, a county that has assumed the transportation functions of a metropolitan municipal corporation shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the county, and provide a preservation plan based on lowest life cycle cost methodologies.

**NEW SECTION.** Sec. 4. A new section is added to chapter 36.57A RCW to read as follows:

As a condition of receiving state funding, a public transportation benefit area authority shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the authority, and provide a preservation plan based on lowest life cycle cost methodologies.

**NEW SECTION.** Sec. 5. A new section is added to chapter 46.68 RCW to read as follows:

No later than June 30, 2004, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the transportation commission or its successor entity.

Sec. 6. RCW 47.06.050 and 1993 c 446 s 5 are each amended to read as follows:

The state-owned facilities component of the statewide transportation plan shall consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system, ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. Lowest life cycle cost methodologies must be used in developing a pavement management system. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A highway maintenance element, establishing service levels for highway maintenance on state-owned highways that meet benchmarks established by the transportation commission. The highway maintenance element must include an estimate of costs for achieving those service levels over twenty years. This element will serve as the basis for the maintenance component of the six-year highway program and the two-year biennial budget request to the legislature;

(c) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Strategies to enhance the operational efficiencies include but are not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway program and the two-year biennial budget request to the legislature;

((e)) (d) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

((f)) (e) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, ((and)) develop strategies for ferry system investment that consider regional and statewide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan must provide for maintenance of capital assets. The plan must also provide for preservation of capital assets based on lowest life cycle cost methodologies. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system capital and operational plans with these private operations. The ferry system plan must be consistent with the regional transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees.

Sec. 7. RCW 47.06.090 and 1993 c 446 s 9 are each amended to read as follows:

The state-interest component of the statewide multimodal transportation plan shall include an intercity passenger rail plan, which shall analyze existing intercity passenger rail service and recommend improvements to that service under the state passenger rail service program including depot improvements, potential service extensions, and ways to achieve higher train speeds.

For purposes of maintaining and preserving any state-owned component of the state's passenger rail program, the statewide multimodal transportation plan must identify all such assets and provide a preservation plan based on lowest life cycle cost methodologies.

**NEW SECTION.** Sec. 8. A new section is added to chapter 81.112 RCW to read as follows:

As a condition of receiving state funding, a regional transit authority shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the transit authority, and provide a plan for preservation of assets based on lowest life cycle cost methodologies.

**NEW SECTION.** Sec. 9. A new section is added to chapter 36.78 RCW to read as follows:

The board shall establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2007. The board shall develop a model maintenance management system for use by counties. The board shall develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board. The board shall compile the county data regarding maintenance management and annually submit it to the transportation commission or its successor entity."

## MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On line 2 of the title, after "assets;" strike the remainder of the title and insert "amending RCW 35.84.060, 47.06.050, and 47.06.090; adding a new section to chapter 36.56 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 36.78 RCW; and creating a new section."

On motion of Senator Haugen, the rules were suspended, Third Engrossed Substitute Senate Bill No. 5764 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5764.

## ROLL CALL

The Secretary called the roll on the final passage of Third Engrossed Substitute Senate Bill No. 5764 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 48.

Excused: Senator Zarelli - 1.

THIRD ENGROSSED SUBSTITUTE SENATE BILL NO. 5764, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the ninth order of business.

## MOTION

On motion of Senator Betti Sheldon, the following bills from the 2001 sessions were returned to the Standing Committees as listed:

## SECOND AND THIRD READING

SB 5001 f Initiative/referendum paper State and Local Government  
SB 5019 Outdoor burning Natural Resources, Parks & Shorelines  
ESSB 5024 Parks & rec commission Natural Resources, Parks & Shorelines  
SB 5033 Personnel file inspection Labor, Commerce & Financial Institutions  
SB 5035 f Financial regulation fund Labor, Commerce & Financial Institutions  
SB 5044 Parent involvement/AIDS Education Education  
SB 5062 Public works job order contract State and Local Government  
SB 5065 City/town elected officials State and Local Government  
SB 5066 f Consumer loan companies Labor, Commerce & Financial Institutions  
SB 5067 f Alien banks Labor, Commerce & Financial Institutions  
SSB 5068 Credit unions Labor, Commerce & Financial Institutions  
SSB 5070 Jury service Judiciary  
SB 5074 \$f Women's health advisory comm Health & Long-Term Care  
SB 5076 Ferry fares/credit cards Transportation

2SSB 5078 f Vehicle license fees Transportation  
SB 5079 Motor vehicle excise tax Transportation  
SB 5081 Wild animal care facilities Natural Resources, Parks & Shorelines  
SB 5082 f Defining rural counties Ways and Means  
SB 5086 False reporting Judiciary  
SB 5093 Unlawful dumping of litter Natural Resources, Parks & Shorelines  
SB 5100 f Existing water rights Ec Development & Telecommunications  
SB 5102 f Nonprofit hospitals Ways and Means  
SSB 5104 County conservation futures levy Natural Resources, Parks & Shorelines  
SB 5105 f Chiropractors Labor, Commerce & Financial Institutions  
SB 5106 f Juvenile life insurance Labor, Commerce & Financial Institutions  
SSB 5107 Rural counties/growth mngmnt State and Local Government  
SSB 5115 Court filing fees Judiciary  
SB 5120 f Open liquor in public Judiciary  
SSB 5126 Pipeline safety act Ec Development & Telecommunications  
SB 5128 Industrial injury/medication Labor, Commerce & Financial Institutions  
SB 5132 f Com telephone solicitation Ec Development & Telecommunications  
SB 5133 Real estate disclosure info State and Local Government  
SB 5134 Mobile homes Labor, Commerce & Financial Institutions  
SB 5135 f Mobile homes Labor, Commerce & Financial Institutions  
SB 5140 School superintendents Education  
SB 5141 Nonpartisan sheriffs State and Local Government  
SB 5144 f LEOFF plan 1 Ways and Means  
SB 5146 f LEOFF plan 2 Ways and Means  
SB 5147 Retirement systems Ways and Means  
SB 5151 TERS Ways and Means  
SB 5152 f Retirement benefits board Ways and Means  
SB 5153 f Retirement systems Ways and Means  
SB 5155 f Horse racing compact Labor, Commerce & Financial Institutions  
ESB 5156 Superior court judges Judiciary  
SB 5159 f Investing surplus funds Higher Education  
SB 5162 Safety rest areas Transportation  
2SSB 5170 f Commute trip reduction Ways and Means  
SB 5175 Restitution Judiciary  
SSB 5176 Medical marijuana Health & Long-Term Care  
ESSB 5179 f Victim notification Judiciary  
SB 5181 Criminal justice training Judiciary  
SSB 5183 f Adult family homes Health & Long-Term Care  
SB 5185 f Community residential option Ways and Means  
SB 5186 f Family planning services Health & Long-Term Care  
SSB 5190 f Private investigators Labor, Commerce & Financial Institutions  
SB 5195 f Industrial insurance Labor, Commerce & Financial Institutions  
SB 5196 Fair credit act Labor, Commerce & Financial Institutions  
SB 5201 f TANF/higher education Ways and Means  
SSB 5209 State highway property Transportation  
SB 5210 f Leasehold excise tax Ways and Means  
SB 5212 Special county elections State and Local Government  
SB 5218 Air bags Transportation  
SB 5220 \$ Multiple sclerosis survey Health & Long-Term Care  
SB 5225 f Commute trip reduction prgrm Transportation  
SB 5226 Oversize load permits Transportation  
SB 5227 Marine employees Transportation  
SSB 5235 PACE program Labor, Commerce & Financial Institutions  
SSB 5240 Emission inspection fee Ec Development & Telecommunications  
SB 5246 Salmon recovery grants Natural Resources, Parks & Shorelines  
SB 5248 f Electrical board Labor, Commerce & Financial Institutions  
SB 5254 Parks & rec facility funding State and Local Government  
SB 5260 Ignition interlock Judiciary  
SSB 5266 Thoroughbred horses/tax exemption Ways and Means  
SB 5272 Election notice State and Local Government  
SB 5276 f Apprenticeship law Labor, Commerce & Financial Institutions  
SB 5286 Legislation commission State and Local Government

SB 5295 f Wildlife conservation foundation Natural Resources, Parks & Shorelines  
 SB 5298 \$f Wildlife viewing Natural Resources, Parks & Shorelines  
 ESB 5299 f Nonconsumptive wildlife actv Natural Resources, Parks & Shorelines  
 SB 5303 f Gainful employment Labor, Commerce & Financial Institutions  
 SB 5308 Electricians/installations Labor, Commerce & Financial Institutions  
 SB 5312 Initiatives State and Local Government  
 SB 5315 f Drinking water Ec Development & Telecommunications  
 SB 5318 f Cosmetology Labor, Commerce & Financial Institutions  
 SB 5326 \$ Supplemental Transportation budget Transportation  
 2SSB 5336 f Attorney loan repayment prgm Ways and Means  
 SB 5341 f Prerecorded telephn messages Ec Development & Telecommunications  
 SSB 5344 \$ Legislative building Ways and Means  
 SB 5345 \$ Operating budget Ways and Means  
 SB 5346 \$ Supplemental operatng budget Ways and Means  
 SSB 5347 \$ Capital budget Ways and Means  
 SB 5353 Archaeological sites Ways and Means  
 SB 5354 f Mobile home relocation asst Labor, Commerce & Financial Institutions  
 SSB 5355 Liability/state employees Human Services & Corrections  
 SB 5357 f Engineers/land surveyors Labor, Commerce & Financial Institutions  
 SSB 5361 Water rights Ec Development & Telecommunications  
 SB 5368 f Child support/medical Judiciary  
 SSB 5370 CTED Ways and Means  
 SB 5380 Telecommunications Ec Development & Telecommunications  
 SB 5382 f Public disclosure State and Local Government  
 SB 5383 Public disclosure commission law State and Local Government  
 SB 5384 f Higher education/labor Ways and Means  
 SB 5385 f Educationl service districts Education  
 SB 5386 Educational service districts Education  
 SB 5387 f Educationl service districts Education  
 SB 5388 Drug paraphernalia Judiciary  
 SB 5390 f Orthotic devices Ways and Means  
 ESB 5394 Judges pro tempore Judiciary  
 SSB 5395 Administrator for the courts Ways and Means  
 SB 5396 f Insurer investments Labor, Commerce & Financial Institutions  
 SB 5403 Expedited rule process State and Local Government  
 SB 5411 f Fire fighters Ways and Means  
 E2SSB 5419 Chemical dependency treatmnt Ways and Means  
 SB 5425 f Pesticide application Ec Development & Telecommunications  
 SB 5430 f Cranial hair prostheses Ways and Means  
 SB 5437 Hunting & fishing licenses Natural Resources, Parks & Shorelines  
 SB 5439 f Fishing guides Natural Resources, Parks & Shorelines  
 SB 5447 f Forest fire protection Ways and Means  
 SB 5452 f Utility relocation Ec Development & Telecommunications  
 SB 5453 Air pollution investigations Ec Development & Telecommunications  
 SB 5454 Juvenile offender basic training Human Services & Corrections  
 SB 5457 f Private vocational schools Higher Education  
 SB 5462 f Contraceptive health services Health & Long-Term Care  
  
 ESSB 5465 Sex offender treatment providers Human Services & Corrections  
 2SSB 5469 f Tx deferrals/distressd areas Ways and Means  
 SB 5476 Credit cards Labor, Commerce & Financial Institutions  
 SB 5477 f Public transportation system Transportation  
 SB 5479 Athlete agents Labor, Commerce & Financial Institutions  
 SB 5489 Veterans affairs personnel State and Local Government  
 SB 5493 Youth athletic facility account Natural Resources, Parks & Shorelines  
 2SSB 5506 f Charitable gift annuity Labor, Commerce & Financial Institutions  
 SB 5507 Parenting plans/paternity Judiciary  
 SSB 5510 Telecommunications Ec Development & Telecommunications  
 2E2SSB 5514 f Public facility districts Ways and Means  
 SB 5515 State veterans' song State and Local Government  
 SB 5519 f Motorcycles Transportation  
 SB 5520 f Ballot measures/fiscal impact State and Local Government

**SB 5527 Private clubs/liquor Labor, Commerce & Financial Institutions**  
**SSB 5537 f Internet adoption Human Services & Corrections**  
**2SSB 5540 f Energy assistance programs Ways and Means**  
**ESSB 5541 f Wind/sun generating facility Ways and Means**  
**SB 5544 f Students/felonies Education**  
**SB 5556 Public assets State and Local Government**  
**SSB 5557 Alcohol or drug test Judiciary**  
**SB 5562 Harassment orders Judiciary**  
**ESB 5570 Credit unions Labor, Commerce & Financial Institutions**  
**SSB 5573 Raffles/students Labor, Commerce & Financial Institutions**  
**2SSB 5576 Public assistance asset tests Ways and Means**  
**SB 5578 Trusts for nonhuman animals Judiciary**  
**SB 5581 Naturopathic physicians Health & Long-Term Care**  
**SB 5582 Teachers/lapsed certification Education**  
**SSB 5586 f Water resource inventory Ec Development & Telecommunications**  
**SB 5590 Liability company annual reports Labor, Commerce & Financial**

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**SB 5592 Motor vehicle excise tax Transportation**  
**ESSB 5598 f Athletic trainers Health & Long-Term Care**  
**SB 5599 State mammal State and Local Government**  
**SSB 5601 Limited medical license Health & Long-Term Care**  
**SB 5605 f Insurers/investments Labor, Commerce & Financial Institutions**  
**SB 5608 f Local leasehold excise tax account State and Local Government**  
**SB 5609 Cities and towns State and Local Government**  
**SB 5613 f Agricultural products Ways and Means**  
**SB 5614 f CTED Ec Development & Telecommunications**  
**SB 5615 f Victims of stalking State and Local Government**  
**SB 5623 Surplus line brokers Labor, Commerce & Financial Institutions**  
**2E2SSB 5625 Academic achievement commission Education**  
**ESB 5626 f Definition of veteran State and Local Government**  
**SB 5627 Veterans' & military affairs State and Local Government**  
**SB 5631 Metropolitan park districts State and Local Government**  
**SB 5639 f Abstracts of driving records Transportation**  
**SB 5640 f Motor vehicle dealers Transportation**  
**SSB 5647 f Energy efficiency standards Ways and Means**  
**SB 5649 f Elctrcty generatn resources Ec Development & Telecommunications**  
**SB 5652 In-home long-term care Ways and Means**  
**SB 5653 Insurer's estate Labor, Commerce & Financial Institutions**  
**SB 5654 f Licensing insurance agents Labor, Commerce & Financial Institutions**  
**SB 5658 f Vehicle license renewals Transportation**  
**SB 5660 f Taxation of fuel Transportation**  
**SB 5661 Recreational facilities Natural Resources, Parks & Shorelines**  
**SB 5670 Driving under the influence Judiciary**  
**SB 5672 Crime victims/restitution Judiciary**  
**ESSB 5674 f Washington climate center Ec Development & Telecommunications**  
**SSB 5679 HIV/AIDS prevention Health & Long-Term Care**  
**SSB 5681 f Fire-fighting apparatus Transportation**  
**SB 5688 f Infant and child products Ways and Means**  
**SB 5694 \$f Mobile home park managers Labor, Commerce & Financial Institutions**  
**SB 5697 f Missing person records Judiciary**

SB 5698 Unidentified persons/information Judiciary  
SB 5704 f Election recount procedures State and Local Government  
SB 5705 Initiatives/funding sources State and Local Government  
SB 5711 f Ballots/order of candidates State and Local Government  
SB 5713 Water transfer or changes Ec Development & Telecommunications  
SSB 5717 \$ Low-income energy asst prgrm Ways and Means  
SB 5718 f Reflexologists Health & Long-Term Care  
SB 5725 f Direct pay permits Ways and Means  
SB 5728 f Workers' compensation Labor, Commerce & Financial Institutions  
SB 5738 f Snowmobile registration fees Transportation  
SB 5741 f Managed competition/transportation Transportation  
SB 5742 Public works/design-build Transportation  
SB 5750 f Right-of-way acquisition Transportation  
ESSB 5755 f Transportation commission Transportation  
ESSB 5765 Environmental permit/transportation Transportation  
SSB 5776 f Insurance/confidentiality Labor, Commerce & Financial Institutions  
SB 5781 f Fruit & vegetable district fund Agriculture  
SB 5782 f Seat belt laws Transportation  
SB 5783 f Candidates/elected offices State and Local Government  
SB 5788 Whistleblower State and Local Government  
SSB 5792 Wine and cider Labor, Commerce & Financial Institutions  
SSB 5793 f Holding company act Labor, Commerce & Financial Institutions  
SB 5794 Guardianship proceedings Health & Long-Term Care  
SSB 5795 f Special parking privileges Transportation  
SB 5797 Workers' compensation Health & Long-Term Care  
SB 5799 f Digital signatures Ec Development & Telecommunications  
SB 5800 Disclosure/port districts Labor, Commerce & Financial Institutions  
SB 5803 f Significant lgsltv rules State and Local Government  
SB 5808 Farmer-produced bottled wine Agriculture  
SB 5809 Breastfeeding Labor, Commerce & Financial Institutions  
SB 5811 f Juvenile social services Human Services & Corrections  
SSB 5813 Wine/off-premise consumption Labor, Commerce & Financial Institutions  
2SSB 5820 f Breast/cervical cancer Ways and Means  
SB 5822 DNR supervisors Natural Resources, Parks & Shorelines  
SB 5823 Student improvement goals Education  
SB 5826 f Collective bargaining/U.W. Ways and Means  
SB 5827 Enforcement of judgments Judiciary  
SB 5831 Body-gripping traps Natural Resources, Parks & Shorelines  
ESB 5833 f Initiatives and referendums State and Local Government  
ESB 5835 f Epinephrine Health & Long-Term Care  
SSB 5837 f State oyster reserve lands Ways and Means  
ESSB 5845 f Sexually violent predators Human Services & Corrections  
SB 5847 Dishonored checks Labor, Commerce & Financial Institutions  
SB 5851 f Pesticides Agriculture  
SB 5859 Blanket Primary State and Local Government  
SB 5860 f Surface mining Ways and Means  
SB 5865 Vehicle immobilization Judiciary  
SB 5868 f Cable subscriber info Ec Development & Telecommunications  
SB 5870 Campaign finances State and Local Government  
SB 5873 Day labor limits/inflation State and Local Government  
SSB 5875 f Telecommunications devices Ec Development & Telecommunications  
SSB 5880 f Forest products commission Natural Resources, Parks & Shorelines  
SB 5883 f Water supply/growth management State and Local Government  
SB 5884 f Local park & recreation task force Natural Resources, Parks & Shorelines  
SB 5887 Ethics in public service Higher Education  
SSB 5894 f Taxation of lodging Ways and Means  
SSB 5902 Agricultural commissions Agriculture  
ESSB 5904 Conservation district election Agriculture  
SB 5911 Water rights examiners Ec Development & Telecommunications  
2SSB 5912 f Energy facilities Ways and Means  
SSB 5914 Water rights Ec Development & Telecommunications  
SB 5915 f Wetlands mitigation projects Ec Development & Telecommunications  
SB 5922 f Water rights appeals Ec & Telecommunications

SB 5927 f Prevailing wage L Labor, Commerce & Financial Institutions  
 SB 5933 f Home carcinogens & allergens Health & Long-Term Care  
 SB 5935 Civil forfeitures of property Ways and Means  
 E2SSB 5936 f Low-income housing Ways and Means  
 SB 5941 Inheritance rights/parents Judiciary  
 SSB 5946 Appraisers/school districts Education  
 SB 5949 Motorists information sign panels Transportation  
 SB 5951 f Payment of wages Labor, Commerce & Financial Institutions  
 SB 5959 Local motor vehicle taxes Transportation  
 SB 5960 Prescription products Health & Long-Term Care  
 SB 5963 f Juvenile offender parenting Human Services & Corrections  
 SB 5975 f Family law court files Judiciary  
 SB 5977 f Leasehold excise tax Ways and Means  
 SB 5980 Motor fuel marketing Labor, Commerce & Financial Institutions  
 SSB 5984 f Child dependency & foster parents Human Services & Corrections  
 SB 5999 f Telephone assistance program Ec Development & Telecommunications  
 SB 6000 Optometrists Health & Long-Term Care  
 SB 6009 f Women's correctional center Human Services & Corrections  
 SB 6016 Conservation districts Agriculture  
 SB 6025 Gasoline additives Ec Development & Telecommunications  
 2SSB 6027 f Electricity Ways and Means  
 SB 6033 f College payment program Ways and Means  
 SB 6034 f Enhanced 911 excise tax Ways and Means  
 ESSB 6060 f Hazardous substance tax Ways and Means  
 SB 6061 Firemen's pension boards Ways and Means  
 SB 6069 f School buildings Education  
 SB 6070 f Growth management State and Local Government  
 SB 6078 Medicare beneficiary Health & Long-Term Care  
 SB 6080 f Fireworks & explosives Labor, Commerce & Financial Institutions  
 SB 6081 f Developmental disabilities Ways and Means  
 SB 6092 Property tax exemption Ways and Means  
 SSB 6098 Tax structure study Ways and Means  
 SB 6108 Water right certificate Ec Development & Telecommunications  
 SB 6113 HOV lanes Transportation  
 ESB 6126 PUD repair service Ec Development & Telecommunications  
 SB 6129 House of Representatives State and Local Government  
 SB 6137 School Employee strikes Education  
 SSB 6140 f Regional Transportation investment Transportation  
 2ESSB 6166 f LEOFF/plan 1 Ways and Means  
 SB 6171 \$ Supplemental capital budget Ways and Means  
 SB 6172 Regional transportation Transportation  
 2SSB 6177 State energy supply Ways and Means  
 SB 6187 Public facilities/rural counties Ec Development & Telecommunications  
 SJM 8000 Columbia River salmon/trout Natural Resources, Parks & Shorelines  
 SJM 8002 Formation of a new state Judiciary  
 SJM 8005 Vessel safety standards Ec Development & Telecommunications  
 SJM 8007 Internet pornography Ec Development & Telecommunications  
 SJM 8010 Lieutenant Kinkele Transportation  
 SJM 8011 Filipino veterans State and Local Government  
 ESJM 8012 Wholesale energy costs Ec Development & Telecommunications  
 SJM 8013 Sales tax deduction/federal tax Ways and Means  
 SSJM 8015 California/power rates Ec Development & Telecommunications  
 SJM 8021 Teachers Education  
 2SSJR 8206 Initiative petitions Ways and Means  
 ESJR 8209 Investment board funds Labor, Commerce & Financial Institutions  
 SJR 8218 State representatives/election State and Local Government  
 SSCR 8403 State and tribal relations Judiciary  
 SSCR 8404 f Work force training & Education Higher Education  
 SCR 8406 Legislator trade mission Agriculture  
 SSCR 8410 Wireless communication Ec Development & Telecommunications

MOTION

***On motion of Senator Betti Sheldon, Substitute Senate Bill No. 5049 which was on today's Third Reading Calendar, was referred to the Committee on Human Services and Corrections.***

**MOTIONS**

***On motion of Senator Betti Sheldon, Senate Bill No. 6370, which was on today's Introduction and First Reading Calendar was referred to the Committee on Human Services and Corrections.***

*On motion of Senator Betti Sheldon, Senate Bill No. 6401, which was on today's Introduction and First Reading Calendar was referred to the Committee on Judiciary.*

*On motion of Senator Betti Sheldon, Senate Bill No. 6404, which was on today's Introduction and First Reading Calendar was referred to the Committee on Judiciary.*

**MOTION**

*At 11:01 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, January 17, 2002.*

TONY M. COOK, BRAD OWEN, President of the Senate  
Senate Secretary of the

JOURNAL OF THE SENATE

THIRD DAY, JANUARY 16, 2002

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

**FOURTH DAY**

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**NOON SESSION**  
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*Senate Chamber, Olympia, Thursday, January 17, 2002*

*The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.*

**MOTION**

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

**MOTION**

*On motion of Senator Betti Sheldon, and pursuant to Rule 46, the Committee on Labor, Commerce and Financial Institutions was granted permission to meet during session.*

**EDITOR'S NOTE:** *Senate Rule 46 states: 'No committee shall sit during the daily session of the senate unless by special leave.'*

**REPORTS OF STANDING COMMITTEES**

*January 16, 2002*

**SB 6253** *Prime Sponsor, Senator Rasmussen: Regulating planting stock certification and nursery improvement programs. Reported by Committee on Agriculture and International Trade*

**MAJORITY Recommendation:** *Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Snyder, Spanel and Swecker.*

*Passed to Committee on Rules for second reading.*

*January 17, 2002*

**SB 6298** *Prime Sponsor, Senator Prentice: Encouraging airport security. Reported by Committee on State and Local Government*

**MAJORITY Recommendation:** *That the bill be referred to Committee on Labor, Commerce and Financial Institutions without recommendation. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Kline, McCaslin, Roach, T. Sheldon and Swecker.*

Referred to Committee on Labor, Commerce and Financial Institutions.

**MESSAGES FROM STATE OFFICES**

**STATE OF WASHINGTON**  
Department of Social and Health Services  
Olympia, Washington 98504-5000

January 14, 2002

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

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Disease Management Pilot Projects." It is mandated under Chapter 7, Laws of 2001, Section 209(6).

Please call Alice Lind at (360) 725-1629 if you have questions regarding the report.

Sincerely,  
DENNIS BRADDOCK, Secretary

The report from the Department of Social and Health Services on "Disease Management Pilot Projects" is on file in the Office of the Secretary of Senate.

**STATE OF WASHINGTON**  
Department of Social and Health Services  
Olympia, Washington 98504-5000

January 14, 2002

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

Dear Mr. Cook:

Enclosed is the department's Report to the Legislature entitled "Foster Children - Long Term Care." It is mandated under Chapter 255, Laws of 2001, Section 6, RCW 74.14A.050.

Please call Dinah Martin at (360) 902-8020 if you have questions regarding the report.

Sincerely,  
DENNIS BRADDOCK, Secretary

The report from the Department of Social and Health Services on "Foster Children - Long Term Care Needs" is on file in the Office of the Secretary of Senate.

**MESSAGE FROM THE HOUSE**

January 16, 2002

**MR. PRESIDENT:**

The House has passed SENATE BILL NO. 6296, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

**SIGNED BY THE PRESIDENT**

The President signed:  
SENATE BILL NO. 6296.

**INTRODUCTION AND FIRST READING**

**SB 6418 by Senator Hochstatter**

***AN ACT Relating to requiring all applicants for a commercial driver's license to demonstrate a working knowledge of the English language; amending RCW 46.25.060; and creating a new section.  
Referred to Committee on Transportation.***

**SB 6419 by Senator Poulsen (by request of Governor Locke)**

***AN ACT Relating to including shipping charges in the measure of tax for use tax purposes; amending RCW 82.12.010; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.***

**SB 6420 by Senators Rasmussen, Swecker and Spanel (by request of Department of Agriculture)**

***AN ACT Relating to organic food products; amending RCW 15.86.010, 15.86.020, 15.86.030, 15.86.060, 15.86.070, and 15.86.090; adding a new section to chapter 15.86 RCW; repealing RCW 15.86.031, 15.86.035, 15.86.050, 15.86.080, and 15.86.100; and prescribing penalties.  
Referred to Committee on Agriculture and International Trade.***

**SB 6421 by Senators Costa, Long and Kline (by request of Office of Community Development)**

***AN ACT Relating to protection orders; amending RCW 10.14.040, 10.14.100, 10.14.125, and 26.50.125; adding a new section to chapter 10.14 RCW; and repealing RCW 10.14.130.  
Referred to Committee on Judiciary.***

**SB 6422 by Senators Costa and McCaslin**

***AN ACT Relating to crimes involving property of another person; and amending RCW 9A.48.010.  
Referred to Committee on Judiciary.***

**SB 6423 by Senators Costa and McCaslin**

***AN ACT Relating to use of criminal history in sentencing decisions; amending RCW 9.94A.525; reenacting and amending RCW 9.94A.030; creating a new section; and prescribing penalties.  
Referred to Committee on Judiciary.***

**SB 6424 by Senators Prentice, Honeyford and Winsley**

***AN ACT Relating to timeshare interest reservations; adding a new section to chapter 64.36 RCW; and prescribing penalties.  
Referred to Committee on Labor, Commerce and Financial Institutions.***

**SB 6425 by Senators McAuliffe, Carlson, Fairley, Kohl-Welles and Winsley**

***AN ACT Relating to authorizing access to school meal programs and kitchen facilities; and amending RCW 28A.235.120.  
Referred to Committee on Education.***

**SB 6426 by Senators Keiser, Winsley, Prentice, Franklin, Thibaudeau and Kohl-Welles**

***AN ACT Relating to use of employer-granted leave to care for family members with serious medical conditions; amending RCW 49.12.270; and adding new sections to chapter 49.12 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.***

**SB 6427 by Senators B. Sheldon, Johnson, Gardner, Costa, McCaslin, Long and Winsley (by request of Governor Locke and Attorney General Gregoire)**

**AN ACT Relating to transferring statewide risk management functions from the department of general administration to the office of financial management; amending RCW 43.19.025, 43.19.1935, 43.19.1936, 43.19.19362, 43.19.19367, 43.19.19369, 4.92.006, 4.92.040, 4.92.100, 4.92.110, 4.92.130, 4.92.150, 4.92.160, 4.92.210, 4.92.220, 4.92.230, 4.92.240, 4.92.270, 39.59.010, 43.41.110, and 48.62.021; reenacting and amending RCW 43.19.1906; adding new sections to chapter 43.41 RCW; creating new sections; and recodifying RCW 43.19.1935, 43.19.1936, 43.19.19361, 43.19.19362, 43.19.19363, 43.19.19364, 43.19.19367, 43.19.19368, 43.19.19369, and 43.19.540.  
Referred to Committee on State and Local Government.**

**SB 6428 by Senators B. Sheldon, Johnson, Kline, Costa, McCaslin, Gardner, Long and Kohl-Welles (by request of Governor Locke and Attorney General Gregoire)**

**AN ACT Relating to state agency loss prevention; adding new sections to chapter 43.41 RCW; and creating a new section.  
Referred to Committee on Judiciary.**

**SB 6429 by Senators B. Sheldon, Johnson, Kline, Costa, McCaslin, Gardner, Long and Winsley (by request of Governor Locke and Attorney General Gregoire)**

**AN ACT Relating to expressions of benevolence, sympathy, and regret; and adding a new chapter to Title 5 RCW.  
Referred to Committee on Judiciary.**

**SB 6430 by Senators Zarelli, McAuliffe and Oke**

**AN ACT Relating to high school diplomas for World War II veterans; and amending RCW 28A.230.120.  
Referred to Committee on Education.**

**SB 6431 by Senators Hale, Snyder, West, B. Sheldon, Sheahan, Johnson, Gardner, Hewitt, Oke, Winsley and Horn**

**AN ACT Relating to providing businesses with notice of administrative rules; adding a new section to chapter 34.05 RCW; and creating a new section.  
Referred to Committee on State and Local Government.**

**SB 6432 by Senators Benton and Haugen (by request of Department of Licensing)**

**AN ACT Relating to certificates of ownership for stolen vehicles; and amending RCW 46.12.047.  
Referred to Committee on Transportation.**

**SB 6433 by Senators Horn, Haugen and T. Sheldon (by request of Department of Licensing)**

**AN ACT Relating to the motorcycle skills education course participation fee; and amending RCW 46.81A.020.  
Referred to Committee on Transportation.**

**SB 6434 by Senators Benton, Haugen and T. Sheldon (by request of Department of Licensing)**

**AN ACT Relating to dyed special fuel; amending RCW 82.38.020, 82.38.030, 82.38.065, and 82.38.170; and prescribing penalties.**

**Referred to Committee on Transportation.**

**SB 6435 by Senators Haugen, Benton and T. Sheldon (by request of Department of Licensing)**

***AN ACT Relating to the disqualification of drivers of commercial motor vehicles; and amending RCW 46.25.090.  
Referred to Committee on Transportation.***

***SB 6436 by Senators T. Sheldon, Benton and Winsley (by request of Department of Licensing)***

***AN ACT Relating to authorization for the department of licensing to include advertising in its publications; adding a new section to chapter 46.01 RCW; and adding a new section to chapter 46.68 RCW.  
Referred to Committee on Transportation.***

***SB 6437 by Senators Gardner, Hale, Swecker, McCaslin, B. Sheldon and Haugen***

***AN ACT Relating to distribution of taxes by the county treasurer; and amending RCW 84.56.230.  
Referred to Committee on State and Local Government.***

***SB 6438 by Senators Jacobsen, Haugen, Kastama, Fairley, Rasmussen and Spanel***

***AN ACT Relating to agriculture and garden research; and adding a new chapter to Title 15 RCW.  
Referred to Committee on Agriculture and International Trade.***

***SB 6439 by Senators Gardner, Haugen, McCaslin and Winsley (by request of Governor Locke and Attorney General Gregoire)***

***AN ACT Relating to exemptions from disclosure of public records for domestic security purposes; and reenacting and amending RCW 42.17.310.  
Referred to Committee on State and Local Government.***

***SB 6440 by Senators Prentice, Fairley, Kohl-Welles, Winsley, Keiser, McAuliffe, Poulsen, Franklin, Brown, Spanel and Carlson***

***AN ACT Relating to labor relations at the public four-year institutions of higher education; adding a new chapter to Title 41 RCW; and creating a new section.  
Referred to Committee on Labor, Commerce and Financial Institutions.***

***SB 6441 by Senators Carlson, Eide, Finkbeiner, Keiser, Kastama and Hewitt***

***AN ACT Relating to the Washington assessment of student learning; and amending RCW 28A.230.195 and 28A.655.090.  
Referred to Committee on Education.***

***SB 6442 by Senators Thibaudeau, Winsley, Franklin, Deccio, Costa and Fraser (by request of Department of Health)***

***AN ACT Relating to the authority of the Washington state board of denturists; amending RCW 18.30.010, 18.30.020, 18.30.040, 18.30.050, 18.30.090, 18.30.100, and 18.30.140; adding a new section to chapter 18.30 RCW; and repealing RCW 18.30.080.  
Referred to Committee on Health and Long-Term Care.***

***SB 6443 by Senators Thibaudeau, Winsley, Deccio, Costa, Fraser and Kohl-Welles (by request of Department of Health)***

***AN ACT Relating to department of health regulation of adult family homes; amending RCW 70.128.220 and 18.130.040; adding a new section to chapter 70.128 RCW; creating a new section; and repealing RCW 18.48.010, 18.48.020, 18.48.030, 18.48.050, and 18.48.060.  
Referred to Committee on Health and Long-Term Care.***

**SB 6444 by Senators Gardner, Prentice, McDonald, Oke, Deccio, Rasmussen, Regala and Horn**

***AN ACT Relating to the licensing of stretcher van-type vehicles for transporting passengers on stretchers; amending RCW 18.73.180; and adding a new section to chapter 18.73 RCW. Referred to Committee on Transportation.***

**SB 6445 by Senators Gardner, Spanel, Prentice, Rasmussen and Fairley**

***AN ACT Relating to the creation of a license plate emblem to benefit orca whale research; adding a new section to chapter 46.16 RCW; adding a new section to chapter 43.300 RCW; and creating a new section. Referred to Committee on Transportation.***

**SB 6446 by Senator Kastama**

***AN ACT Relating to driver training schools; and amending RCW 46.82.280 and 46.82.360. Referred to Committee on Transportation.***

**SB 6447 by Senators Kastama, Finkbeiner, Jacobsen, Shin, Franklin, Costa, Oke and Winsley**

***AN ACT Relating to the establishment and operation of a do not call list for commercial telephone solicitation; amending RCW 19.158.110; adding new sections to chapter 19.158 RCW; prescribing penalties; and providing an effective date. Referred to Committee on Labor, Commerce and Financial Institutions.***

**SB 6448 by Senators Kastama, Shin and Jacobsen**

***AN ACT Relating to the establishment of a statewide all-hazards public warning system requiring all public facilities to use tone alert weather radios; adding a new section to chapter 70.54 RCW; creating a new section; and making an appropriation. Referred to Committee on Economic Development and Telecommunications.***

**SB 6449 by Senator Kastama**

***AN ACT Relating to allowing entrance and exit fees under limited circumstances; and amending RCW 59.20.060. Referred to Committee on Labor, Commerce and Financial Institutions.***

**SB 6450 by Senators Jacobsen, Kline and Keiser**

***AN ACT Relating to the aggregated purchasing of clean energy and clean vehicles; amending RCW 43.19.1905, 43.19.570, 43.19.637, and 19.29A.090; and creating a new section. Referred to Committee on Environment, Energy and Water.***

**SB 6451 by Senators Kline, Sheahan, Costa, Horn, Swecker, Kastama and Jacobsen**

***AN ACT Relating to training in furtherance of civil disorders; reenacting and amending RCW 9.94A.515; adding a new section to chapter 9A.48 RCW; and prescribing penalties. Referred to Committee on Judiciary.***

**SB 6452 by Senators Prentice and Haugen (by request of Department of Licensing)**

***AN ACT Relating to master license system fees; amending RCW 19.02.030 and 19.02.075; and providing an effective date. Referred to Committee on Labor, Commerce and Financial Institutions.***

**SB 6453 by Senators Keiser, Swecker, Poulsen and Eide**

***AN ACT Relating to determining long-term air transportation needs including airport siting; amending RCW 36.70A.200; adding a new section to chapter 47.06 RCW; adding a new section to chapter 47.80 RCW; adding a new chapter to Title 47 RCW; and making an appropriation. Referred to Committee on Transportation.***

**SB 6454 by Senators Thibaudeau, Prentice and Kastama**

***AN ACT Relating to chiropractic care; and amending RCW 18.25.005 and 18.25.006. Referred to Committee on Health and Long-Term Care.***

**SB 6455 by Senators Prentice, Kastama, Thibaudeau, McAuliffe and Kohl-Welles**

***AN ACT Relating to physical examinations by health practitioners; and amending RCW 28A.600.200. Referred to Committee on Education.***

**SB 6456 by Senators McAuliffe, Finkbeiner, Kohl-Welles, Winsley and Keiser (by request of Governor Locke, Superintendent of Public Instruction Bergeson, Washington State School Directors Association, A+ Commission and State Board of Education)**

***AN ACT Relating to authorizing the academic achievement and accountability commission to set performance improvement goals for certain disaggregated groups of students and dropout goals; and amending RCW 28A.655.030. Referred to Committee on Education.***

**SB 6457 by Senators Carlson and Jacobsen**

***AN ACT Relating to athlete agents; adding a new chapter to Title 19 RCW; and prescribing penalties. Referred to Committee on Labor, Commerce and Financial Institutions.***

**SB 6458 by Senators Long and Costa**

***AN ACT Relating to jury fees; and amending RCW 3.50.135, 3.62.060, 10.46.190, 12.12.030, 35.20.090, and 36.18.016. Referred to Committee on Judiciary.***

**SB 6459 by Senators Haugen, Benton and Horn**

***AN ACT Relating to standards for custom-built vehicles; amending RCW 46.37.518; and adding a new section to chapter 46.04 RCW. Referred to Committee on Transportation.***

**SB 6460 by Senators Haugen and Horn**

***AN ACT Relating to funding local government research services; and amending RCW 43.110.050, 66.08.190, 82.08.170, and 43.110.060. Referred to Committee on State and Local Government.***

**SB 6461 by Senators Gardner, Benton, Haugen, Horn, Jacobsen, Costa, Oke and Winsley**

***AN ACT Relating to positive drug or alcohol test results of commercial motor vehicle operators; amending RCW 46.25.090, 46.25.100, and 46.25.120; adding new sections to chapter 46.25 RCW; and prescribing penalties. Referred to Committee on Transportation.***

**SB 6462 by Senators Gardner, Benton, Haugen, Horn and Winsley**

**AN ACT Relating to tests and permits for commercial driver's licensing; and amending RCW 46.25.060.  
Referred to Committee on Transportation.**

**SB 6463 by Senators Gardner, Benton, Haugen, Horn, Hochstatter and Winsley**

**AN ACT Relating to requirements for a commercial driver's license; and amending RCW 46.25.060.  
Referred to Committee on Transportation.**

**SB 6464 by Senators Jacobsen, Horn and Kohl-Welles**

**AN ACT Relating to city transportation authority; amending RCW 84.52.010 and 84.52.052; and adding a new chapter to Title 36 RCW.  
Referred to Committee on Transportation.**

**SB 6465 by Senators Carlson, Gardner and Benton**

**AN ACT Relating to county auditors; and amending RCW 36.22.110.  
Referred to Committee on State and Local Government.**

**SB 6466 by Senators Gardner and Swecker**

**AN ACT Relating to county treasurer administration; and amending RCW 35.50.030, 36.94.230, 43.09.240, 36.29.010, 46.16.160, 46.44.170, 46.44.173, 84.40.042, 84.56.120, 84.64.060, 84.64.070, 84.69.020, and 84.69.100.  
Referred to Committee on State and Local Government.**

**SB 6467 by Senators Kline, Hargrove, Costa and Regala (by request of Department of Corrections)**

**AN ACT Relating to sentencing of offenders; amending RCW 9.94A.525, 9.92.151, 9.94A.728, and 70.48.210; reenacting and amending RCW 9.94A.515 and 9.94A.030; prescribing penalties; and providing an effective date.  
HOLD.**

**SB 6468 by Senators Costa, Long and Hargrove (by request of Department of Corrections)**

**AN ACT Relating to satisfaction of judgments filed by the department of corrections; and amending RCW 4.56.100.  
Referred to Committee on Judiciary.**

**SB 6469 by Senators Long, Costa, Hargrove and Winsley (by request of Department of Corrections, Indeterminate Sentence Review Board and Department of Social and Health Services)**

**AN ACT Relating to information concerning mental health services provided to offenders; and amending RCW 71.34.225 and 71.05.445.  
Referred to Committee on Human Services and Corrections.**

**SB 6470 by Senators Honeyford, Rasmussen, Swecker, Sheahan, Morton and Hewitt**

**AN ACT Relating to penalties assessed when farm and agricultural land is removed from open space classification; and reenacting and amending RCW 84.34.108.  
Referred to Committee on Agriculture and International Trade.**

**SB 6471 by Senators Honeyford, Rasmussen, Johnson, Sheahan, Stevens, Swecker, Shin, Parlette, Deccio, McCaslin, Hochstatter, Gardner, Hewitt, Spanel, Kastama, Regala, Eide, Oke, Hale and Keiser**

**AN ACT Relating to labeling of agricultural products by place of origin; adding a new section to chapter 15.04 RCW; and prescribing penalties.  
Referred to Committee on Agriculture and International Trade.**

**SB 6472 by Senators Gardner and Winsley (by request of Governor Locke)**

**AN ACT Relating to the uniform regulation of business and professions pertaining to programs administered by the department of licensing; amending RCW 18.08.340, 18.08.380, 18.08.420, 18.08.440, 18.11.085, 18.11.095, 18.11.100, 18.11.160, 18.11.180, 18.11.200, 18.16.030, 18.16.060, 18.16.150, 18.16.175, 18.16.200, 18.39.300, 18.39.350, 18.39.410, 18.39.530, 18.43.035, 18.43.105, 18.43.110, 18.43.130, 18.85.040, 18.85.230, 18.85.261, 18.85.271, 18.96.060, 18.96.120, 18.96.140, 18.140.030, 18.140.160, 18.140.170, 18.165.160, 18.165.170, 18.170.170, 18.170.180, 18.185.110, 18.185.120, 18.185.140, 18.185.170, 18.210.020, 18.210.030, 18.210.060, 18.210.160, 18.220.040, 18.220.050, 18.220.130, 18.220.150, 19.16.120, 19.16.351, 19.31.070, 19.31.130, 19.105.350, 19.105.380, 19.105.440, 19.105.470, 19.138.120, 19.138.130, 19.138.130, 19.138.170, 19.138.180, 19.138.200, 19.138.240, 19.158.040, 19.158.050, 42.44.030, 42.44.060, 42.44.160, 42.44.170, 42.44.190, 46.72.100, 46.72A.100, 64.36.040, 64.36.090, 64.36.100, 64.36.195, 64.36.200, 64.36.220, 64.36.230, 67.08.010, 67.08.015, 67.08.017, 67.08.090, 67.08.100, 67.08.110, 67.08.130, 67.08.140, 67.08.180, 67.08.300, 68.05.105, 68.05.170, 68.05.235, 68.05.259, 68.05.300, 68.05.310, 68.05.320, 68.05.330, 68.05.340, 68.05.350, 79A.60.480, and 79A.60.490; reenacting and amending RCW 18.145.050; adding a new section to chapter 18.08 RCW; adding a new section to chapter 18.11 RCW; adding a new section to chapter 18.16 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.43 RCW; adding a new section to chapter 18.85 RCW; adding a new section to chapter 18.96 RCW; adding a new section to chapter 18.140 RCW; adding a new section to chapter 18.145 RCW; adding a new section to chapter 18.165 RCW; adding a new section to chapter 18.170 RCW; adding a new section to chapter 18.185 RCW; adding a new section to chapter 18.210 RCW; adding a new section to chapter 18.220 RCW; adding a new section to chapter 19.16 RCW; adding a new section to chapter 19.31 RCW; adding a new section to chapter 19.105 RCW; adding a new section to chapter 19.138 RCW; adding a new section to chapter 19.158 RCW; adding a new section to chapter 42.44 RCW; adding a new section to chapter 46.72 RCW; adding a new section to chapter 46.72A RCW; adding a new section to chapter 64.36 RCW; adding a new section to chapter 67.08 RCW; adding a new section to chapter 68.05 RCW; adding a new section to chapter 79A.60 RCW; adding a new chapter to Title 18 RCW; creating a new section; repealing RCW 18.08.450, 18.39.400, 18.39.430, 18.39.440, 18.39.460, 18.39.470, 18.39.480, 18.39.490, 18.39.500, 18.39.510, 18.39.520, 18.39.540, 18.39.550, 18.43.140, 18.85.251, 18.85.360, 18.96.130, 18.140.180, 18.165.190, 18.165.200, 18.165.240, 18.165.250, 18.165.260, 18.170.190, 18.170.200, 18.170.240, 18.170.250, 18.170.260, 18.170.270, 18.185.150, 18.185.160, 18.185.180, 18.185.190, 19.16.360, 19.16.380, 19.16.400, 19.105.460, 19.138.190, 19.138.210, 19.138.220, 19.138.230, 19.138.300, 19.158.060, 64.36.180, 64.36.190, 64.36.280, 64.36.300, 67.08.120, 67.08.210, 67.08.230, 67.08.250, and 67.08.260; prescribing penalties; and providing effective dates.**

**Referred to Committee on Labor, Commerce and Financial Institutions.**

**SB 6473 by Senators Hargrove, Long, Costa and Winsley (by request of Governor Locke)**

**AN ACT Relating to the convicted offender DNA data base; amending RCW 43.43.754, 43.43.759, and 9.94A.505; amending 1989 c 350 s 1 (uncodified); adding new sections to chapter 43.43 RCW; and providing an effective date.**

**Referred to Committee on Human Services and Corrections.**

**SJM 8031 by Senators Hale and Fraser**

**Encouraging re-authorization and full funding of the renewable energy production incentive.**

**Referred to Committee on Environment, Energy and Water.**

**MOTION**

**On motion of Senator Betti Sheldon, Senate Bill No. 6467 was held at the desk.**

**MOTION**

**On motion of Senator Betti Sheldon, Senate Bill No. 6352, which was held on the desk January 16, was referred to the Committee on Transportation.**

**MOTION**

**At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, January 18, 2002.**

**BRAD OWEN, President of the Senate**

**TONY M. COOK, Secretary of the Senate**

**JOURNAL OF THE SENATE**

**FOURTH DAY, JANUARY 17, 2002**

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

**FIFTH DAY**

**MORNING SESSION**

**Senate Chamber, Olympia, Friday, January 18, 2002**

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

**The Sergeant at Arms Color Guard, consisting of Pages Emily Gonzalez and Celeste Jalbert, presented the Colors. Reverend Dale Oquist, pastor of the Evergreen Christian Center of Olympia, offered the prayer.**

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

January 17, 2002

**SB 5353** Prime Sponsor, Senator Prentice: Enforcing protection of archaeological sites. Reported by Committee on Ways and Means

MAJORITY Recommendation: That the bill be referred to Committee on State and Local Government without recommendation. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Hewitt, Kohl-Welles, Poulsen, Rasmussen, Rossi, B. Sheldon, Spanel, Thibaudeau and Zarelli.

Referred to Committee on State and Local Government.

January 17, 2002

**SSB 5370** Prime Sponsor, Senate Committee on Ways and Means: Splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development. Reported by Committee on Ways and Means

MAJORITY Recommendation: That the bill be referred to Committee on State and Local Government without recommendation. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice-Chair; Hewitt, Kohl-Welles, Poulsen, Rasmussen, Rossi, B. Sheldon, Spanel and Zarelli.

*Referred to Committee on State and Local Government.*

*January 17, 2002*

**SB 6330 Prime Sponsor, Senator Regala: Revising provisions relating to metropolitan park districts.  
Reported by Committee on State and Local Government**

**MAJORITY Recommendation: That the bill be referred to Committee on Natural Resources, Parks and Shorelines without recommendation. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Roach and Swecker.**

*Referred to Committee on Natural Resources, Parks and Shorelines.*

*January 17, 2001*

**SSCR 8404 Prime Sponsor, Senate Committee on Higher Education: Adopting the update to the state comprehensive plan for work force training and education. Reported by Committee on Higher Education**

**MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.**

*Passed to Committee on Rules for second reading.*

#### **REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS**

*January 17, 2002*

**GA 9154 BILL PALMER, appointed April 10, 2000, for a term ending at the Governor's pleasure as Director of the Department of Services for the Blind.  
Reported by Committee on State and Local Government**

**MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Roach and Swecker.**

*Passed to Committee on Rules.*

*January 17, 2002*

**GA 9162 LOIS CLEMENT, appointed February 23, 2001, for a term ending December 31, 2005, as a member of the Public Disclosure Commission.  
Reported by Committee on State and Local Government**

**MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Roach and Swecker.**

*Passed to Committee on Rules.*

#### **INTRODUCTION AND FIRST READING**

**SB 6474 by Senators Morton, Hargrove, Hewitt, Honeyford, T. Sheldon, Hochstatter, Benton, Stevens, McCaslin, Long, Hale and Sheahan**

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

*Referred to Committee on Natural Resources, Parks and Shorelines.*

**SB 6475** by Senators Morton, Rasmussen, Roach, Hewitt, Long, Swecker, Stevens, Parlette, McCaslin, Hochstatter, Hale, Honeyford, Sheahan, Rossi and Johnson

***AN ACT Relating to livestock damage; and adding a new section to chapter 77.12 RCW. Referred to Committee on Agriculture and International Trade.***

**SB 6476** by Senators Costa, Long, Kohl-Welles, Carlson, Eide, Spanel, Snyder, Jacobsen and Gardner

***AN ACT Relating to clarifying counseling costs that may be included in restitution ordered in juvenile court; and amending RCW 13.40.020. Referred to Committee on Human Services and Corrections.***

**SB 6477** by Senators McAuliffe, Finkbeiner and Winsley (by request of Governor Locke, Superintendent of Public Instruction Bergeson, State Board of Education and Professional Educator Standards Board)

***AN ACT Relating to qualifications for public school principals and vice principals; and amending RCW 28A.400.100. Referred to Committee on Education.***

**SB 6478** by Senators McAuliffe, Finkbeiner and Winsley (by request of Governor Locke, Superintendent of Public Instruction Bergeson, State Board of Education and Professional Educator Standards Board)

***AN ACT Relating to the professional educator standards board; and amending RCW 28A.410.200 and 28A.410.220. Referred to Committee on Education.***

**SB 6479** by Senator Hochstatter

***AN ACT Relating to the protection of schools and students from armed assault; amending RCW 9.41.280 and 9.41.---; adding a new section to chapter 9.41 RCW; and providing an effective date. Referred to Committee on Education.***

**SB 6480** by Senators Eide, Morton, Keiser, Winsley and Fraser

***AN ACT Relating to recycling and waste reduction; amending RCW 39.04.133, 70.95.010, 70.95.030, and 43.19.1905; adding a new section to chapter 81.77 RCW; adding a new section to chapter 70.95 RCW; and creating new sections. Referred to Committee on Environment, Energy and Water.***

**SB 6481** by Senators Prentice and Winsley

***AN ACT Relating to regulating insurance for rental vehicles; adding a new chapter to Title 48 RCW; and prescribing penalties. Referred to Committee on Labor, Commerce and Financial Institutions.***

**SB 6482** by Senators Long, Hargrove, Winsley, Haugen, Stevens, Deccio and Rasmussen

***AN ACT Relating to removing time limits for treatment under the alcohol and drug addiction treatment and support act; and amending RCW 74.50.050. Referred to Committee on Human Services and Corrections.***

**SB 6483** by Senators Prentice and Winsley (by request of Department of Financial Institutions)

*AN ACT Relating to regulating securities; amending RCW 21.20.005, 21.20.020, 21.20.040, 21.20.110, 21.20.310, 21.20.370, and 21.20.380; and adding a new section to chapter 21.20 RCW. Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6484** by Senators Haugen, Swecker, Rossi, Regala, B. Sheldon, Finkbeiner, T. Sheldon, Kastama, Jacobsen, Rasmussen, Winsley and Johnson

*AN ACT Relating to federal estate tax benefits for conservation easements; and amending RCW 11.98.070 and 11.96A.030. Referred to Committee on Judiciary.*

**SB 6485** by Senators Costa, Long, Shin, Stevens, Rasmussen and Winsley

*AN ACT Relating to excise tax deductions for aircraft component parts used in repair or maintenance; adding a new section to chapter 82.04 RCW; and providing an effective date. Referred to Committee on Ways and Means.*

**SB 6486** by Senators Gardner, Snyder, Franklin, Costa, Keiser, Rasmussen, Winsley and McAuliffe (by request of State Treasurer Murphy)

*AN ACT Relating to college payment programs; amending RCW 28B.95.150; and providing an effective date. Referred to Committee on Higher Education.*

**SB 6487** by Senators Costa, McCaslin, Roach, Long, Winsley and Kohl-Welles

*AN ACT Relating to establishing the authority to create and operate regional jails; and adding a new section to chapter 70.48 RCW. Referred to Committee on Judiciary.*

**SB 6488** by Senators Costa, Long, T. Sheldon, Eide, Winsley, Hale, Spanel, Jacobsen, Rasmussen, Gardner and Oke

*AN ACT Relating to a statewide registered sex offender web site; amending RCW 43.43.540; reenacting and amending RCW 4.24.550; and adding new sections to chapter 10.98 RCW. Referred to Committee on Human Services and Corrections.*

**SB 6489** by Senators Costa, Roach, Benton, Long, Kastama, Winsley, Kline, Honeyford, Hargrove, Hale, Rossi, Eide, Swecker, T. Sheldon, Hochstatter, Snyder, Jacobsen, McCaslin, Rasmussen and Oke

*AN ACT Relating to the convicted offender DNA data base; amending RCW 43.43.754, 43.43.759, and 9.94A.505; amending 1989 c 350 s (uncodified); adding new sections to chapter 43.43 RCW; and providing an effective date. Referred to Committee on Human Services and Corrections.*

**SB 6490** by Senators Roach, Kline, Rasmussen, Keiser, Regala, Benton, Honeyford, Oke, Hale, McDonald, Johnson, McCaslin, Kastama, Sheahan and Stevens

*AN ACT Relating to motor vehicle theft; amending RCW 9A.56.070 and 13.40.0357; reenacting and amending RCW 9.94A.515; and prescribing penalties. Referred to Committee on Judiciary.*

**SB 6491** by Senators Prentice and Winsley (by request of Gambling Commission and Liquor Control Board)

*AN ACT Relating to meeting federal standards for criminal background checks for the liquor control board and the gambling commission; and amending RCW 9.46.070, 66.08.030, 66.24.010, and 66.24.025. Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6492 by Senators Costa, Regala, Long, Winsley and Kohl-Welles (by request of Department of Labor and Industries)**

*AN ACT Relating to establishing a crime victims' compensation trust account and eliminating interest on third-party settlements; amending RCW 7.68.015, 7.68.030, 7.68.050, 7.68.090, 72.09.095, 72.09.110, and 72.09.111; reenacting and amending RCW 43.79A.040; and providing an effective date.*

*Referred to Committee on Human Services and Corrections.*

**SB 6493 by Senators Gardner, Finkbeiner, Keiser, Oke, Kastama and Winsley**

*AN ACT Relating to driving record abstracts furnished to transit authorities; and amending RCW 46.52.130.*

*Referred to Committee on Transportation.*

**SB 6494 by Senators Hochstatter, Haugen, Benton, Shin, Johnson, Gardner, Finkbeiner, Kastama, McDonald, Carlson, Swecker, Parlette, Stevens, Hewitt, Morton, Sheahan, Rasmussen, Winsley and Oke**

*AN ACT Relating to two-year vehicle licensing; amending RCW 46.16.006, 46.16.063, 46.16.065, 46.16.079, 46.16.085, 46.16.135, 46.16.160, 46.16.210, 46.16.220, 46.16.313, 46.16.505, 46.16.585, 46.16.670, and 81.104.160; and providing an effective date.*

*Referred to Committee on Transportation.*

**SB 6495 by Senators Kline, Thibaudeau, Long and McCaslin**

*AN ACT Relating to the joint funding of municipal projects by public agencies; and adding a new section to chapter 39.34 RCW.*

*Referred to Committee on State and Local Government.*

**SB 6496 by Senators Kohl-Welles, Kline, McCaslin and Winsley**

*AN ACT Relating to vehicular pursuit by law enforcement officers; adding new sections to chapter 43.101 RCW; and creating a new section.*

*Referred to Committee on Judiciary.*

**SB 6497 by Senators T. Sheldon, Finkbeiner, B. Sheldon, Rossi and Poulsen**

*AN ACT Relating to extending the prohibition on taxes or fees specific to internet service providers; and amending RCW 35.21.717.*

*Referred to Committee on Economic Development and Telecommunications.*

**SB 6498 by Senators Long, Hargrove, Costa, Carlson, Winsley and Kohl-Welles**

*AN ACT Relating to limiting the crime of sexual misconduct with a minor to cases in which the victim is a minor; and amending RCW 9A.44.093 and 9A.44.096.*

*Referred to Committee on Judiciary.*

**SB 6499 by Senators Kline, Hargrove, Costa, Long, Regala, Winsley and Kohl-Welles (by request of Department of Corrections)**

*AN ACT Relating to supervision of offenders; amending RCW 9.94A.545, 9.94A.637, 9.94A.650, 9.94A.690, 9.94A.700, 9.94A.705, 9.94A.715, 9.94A.720, 9.94A.750, 9.94A.760, 4.56.100, 72.65.080, and 41.06.380; reenacting and amending RCW 9.94A.753; and providing an effective date.*

*Referred to Committee on Human Services and Corrections.*

**SB 6500 by Senator Hochstatter**

*AN ACT Relating to the teaching of the theory of evolution in the common schools of the state of Washington; and adding a new section to chapter 28A.230 RCW.*

*Referred to Committee on Education.*

**SB 6501** by Senators Benton, Rasmussen, Stevens, Oke, Fairley, Finkbeiner, Johnson, Hochstatter, Winsley, Swecker, Roach, Keiser, McDonald, Prentice, Hale, Morton, Honeyford, McCaslin, Hewitt, Sheahan and Deccio

*AN ACT Relating to sex offender and kidnapping offender residences; amending RCW 72.09.340; and reenacting and amending RCW 9A.44.130.  
Referred to Committee on Human Services and Corrections.*

**SB 6502** by Senators Benton, Hochstatter, Stevens and Honeyford

*AN ACT Relating to sales and use taxation for public facilities districts; and amending RCW 82.14.390.  
Referred to Committee on Ways and Means.*

**SB 6503** by Senators Rasmussen and Hale

*AN ACT Relating to regulating commodity commissions; amending RCW 15.66.010, 15.66.030, 15.66.110, 15.66.120, 15.66.130, 15.66.140, 15.66.185, and 15.66.245; adding new sections to chapter 15.66 RCW; and repealing RCW 15.66.020.  
Referred to Committee on Agriculture and International Trade.*

**SB 6504** by Senators Kohl-Welles, Horn, Shin, Carlson, B. Sheldon, McAuliffe, Parlette, Jacobsen, Franklin and Sheahan

*AN ACT Relating to institutions of higher education; amending RCW 28B.10.569, 28B.45.010, 28B.45.020, 28B.45.0201, 28B.45.030, 28B.45.040, 28B.45.050, 28B.80.450, 28B.80.510, 28B.101.020, 34.05.514, and 43.105.820; and reenacting and amending RCW 28B.101.040.  
Referred to Committee on Higher Education.*

**SB 6505** by Senators Gardner and Hale

*AN ACT Relating to local improvement districts; and amending RCW 35.45.030, 35.45.070, 35.45.080, and 35.54.010.  
Referred to Committee on State and Local Government.*

**SB 6506** by Senators Regala, McAuliffe, Winsley, Eide, Thibaudeau, Kline, Horn, Haugen, Fraser, Prentice, Costa, Spanel, Kohl-Welles, Fairley, Jacobsen and Keiser

*AN ACT Relating to medically accurate sexuality education programs; amending RCW 70.190.085 and 74.12.410; and adding a new section to chapter 28A.150 RCW.  
Referred to Committee on Education.*

**SB 6507** by Senators T. Sheldon, Finkbeiner, Kastama and B. Sheldon

*AN ACT Relating to siting of facilities for personal wireless services; amending RCW 35.63.200, 35A.63.220, 36.70.795, and 36.70A.390; and reenacting and amending RCW 35.99.050 and 35A.21.245.  
Referred to Committee on Economic Development and Telecommunications.*

**SB 6508** by Senators Rasmussen, Swecker and Winsley

*AN ACT Relating to registering pesticides; amending RCW 15.58.050, 15.58.070, 15.58.070, and 15.58.080; providing effective dates; and providing an expiration date.  
Referred to Committee on Agriculture and International Trade.*

**SB 6509** by Senators Horn, T. Sheldon, Swecker, Poulsen, Gardner and Oke

***AN ACT Relating to motorcycle license tab fees; and amending RCW 46.68.030.  
Referred to Committee on Transportation.***

***SB 6510 by Senators Kline, Long and Costa (by request of Administrator for the Courts)***

***AN ACT Relating to the administrative office of the courts; amending RCW 2.14.110, 2.43.020, 2.43.030, 2.43.070, 2.56.010, 2.56.020, 2.56.030, 2.56.120, 2.56.150, 2.68.020, 2.70.050, 3.46.030, 3.50.020, 3.66.010, 3.66.070, 9.73.230, 9.94A.660, 9.94A.850, 9.94A.855, 10.64.120, 10.98.080, 10.98.100, 10.98.160, 13.34.102, 13.64.080, 13.70.130, 26.12.177, 26.12.802, 26.12.804, 26.18.210, 26.18.220, 26.19.011, 26.19.035, 26.19.050, 26.26.065, 26.50.030, 26.50.035, 35.20.030, 36.01.050, 36.18.018, 43.70.540, 43.101.280, 46.20.286, 74.14C.100, 74.20A.340, and 82.14.310; amending 2000 c 111 s 8 (uncodified); amending 1983 c 199 s 2 (uncodified); and reenacting and amending RCW 43.08.250.  
Referred to Committee on Judiciary.***

***SB 6511 by Senators Johnson, Kline, Costa and Winsley (by request of Administrator for the Courts)***

***AN ACT Relating to judges pro tempore; and amending RCW 2.08.180.  
Referred to Committee on Judiciary.***

***SB 6512 by Senators Kline, Johnson, Costa and Winsley (by request of Administrator for the Courts)***

***AN ACT Relating to the methodology of determining the number of district court judges; and amending RCW 3.34.020.  
Referred to Committee on Judiciary.***

***SB 6513 by Senators Kline, Kastama, Long and Johnson***

***AN ACT Relating to service of summons for persons who cannot be found in this state; and amending RCW 46.64.040.  
Referred to Committee on Judiciary.***

***SB 6514 by Senators Swecker, Oke, T. Sheldon, Hochstatter and Stevens***

***AN ACT Relating to civil forfeitures of property; amending RCW 69.50.505 and 9A.83.030; reenacting and amending RCW 69.50.520; and creating new sections.  
Referred to Committee on Judiciary.***

***SJM 8032 by Senators Benton, Rasmussen, Roach, Oke, Fairley, Swecker, Gardner, Winsley, Prentice, Keiser, Franklin, Stevens, Hochstatter, Parlette, Long, Carlson, West, Deccio, Johnson and Snyder***

***Requesting Patriot's Day to be moved and celebrated on September 11th.***

***Referred to Committee on State and Local Government.***

***SJM 8033 by Senators Oke, Rasmussen, Roach, Horn, Rossi, Snyder, Winsley, Regala, Haugen, Benton, Sheahan, Hewitt, Morton, McCaslin and West***

***Opposing federalization of the National Guard.***

***Referred to Committee on State and Local Government.***

***MOTION***

***On motion of Senator Betti Sheldon, Senate Bill No. 6467, which was held on the desk January 17, 2002, was referred to the Committee on Judiciary.***

***MOTION***

*On motion of Senator Betti Sheldon, the following resolution was adopted:*

**SENATE RESOLUTION 8719**

*By Senators Sheldon, B., Kastama, Prentice, Franklin, Snyder, Spanel, Hale, West, Haugen, Kohl-Welles, Poulsen, McAuliffe, Fraser, Winsley, Oke, Jacobsen, Regala, Carlson, Swecker, Parlette, Roach, Honeyford, Gardner, Fairley, Keiser, Sheldon, T., Eide, Costa, Shin, Benton, Brown, Deccio, Finkbeiner, Hargrove, Hewitt, Hochstatter, Horn, Johnson, Kline, Long, McCaslin, McDonald, Morton, Rasmussen, Rossi, Sheahan, Stevens, Thibaudeau, and Zarelli*

*WHEREAS, It is the tradition of the Washington State Senate to honor those who serve in our armed forces, risking their lives to protect our own; and*

*WHEREAS, Two Bremerton-based vessels left Washington on July 23, 2001, anticipating one-hundred and eighty days of routine deployment to enforce the no-fly zone over southern Iraq; and*

*WHEREAS, The unconscionable terrorist attacks on our country September 11 changed all that; and*

*WHEREAS, After the attacks, the aircraft carrier USS Carl Vinson, commissioned in 1982, moved into position in the North Arabian Sea near Afghanistan and set up for a mission that may have been the most arduous in ship's history; and*

*WHEREAS, No carrier stayed on station longer or launched more air strikes than the Vinson, whose crew and air wing of 6,000 men and women worked twelve to fifteen hours a day, seven days a week; and*

*WHEREAS, The first shot fired in the "War on Terrorism" came from the USS Carl Vinson; and*

*WHEREAS, The Carl Vinson could not have carried out its work without the support of the USS Sacramento, the Navy's oldest fast-combat supply ship; and*

*WHEREAS, As naval forces from the United States, Great Britain, Australia, Canada, Italy and Japan arrived in the waters off Pakistan, the USS Sacramento became one of the most important assets in the war against terrorism, completing a total of one hundred and sixty eight alongside replenishments with forty-three different ships, transferring more than thirty-four million gallons of fuel, 3,300 lifts of ammunition, and thousands of pallets of food, stores, parts and mail; and*

*WHEREAS, Practically every gallon of fuel used by, and every bomb dropped in Afghanistan, from a Carl Vinson jet came from the USS Sacramento; and*

*WHEREAS, After seventy-three grueling days in support of "Operation Enduring Freedom," in addition to more than one-hundred days at sea elsewhere – and after traveling 51,343.2 nautical miles, the equivalent of more than two times around the world, the USS Carl Vinson and the USS Sacramento are headed home this month; and*

*WHEREAS, Those on board the USS Carl Vinson and the USS Sacramento are heroes and an inspiration to others; and*

*WHEREAS, Everyone on board these vessels has helped heal our country during a time of crisis; and*

*WHEREAS, All residents of Washington appreciate their dedication and the sacrifices they have made for the good of us all;*

*NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate do hereby recognize the selfless service of the crews of the USS Carl Vinson and USS Sacramento, and welcome the crews home; and*

*BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Captain Steven R. Kremer, Commanding Officer of Naval Station Bremerton, Captain Richard B. Wren, Commanding Officer of the USS Carl Vinson and Captain J. D. Cloyd, Commanding Officer of the USS Sacramento.*

*Senators Betti Sheldon and Oke spoke to Resolution 8719.*

**INTRODUCTION OF SPECIAL GUESTS**

*The President welcomed and introduced Lieutenant Kory Schroeder from the USS Vinson, Lieutenant Dale Robertson from the USS Sacramento and Silvia Klatman and Jill Torres from the Bremerton Chamber of Commerce, as well as Mary Ann Mascianica from the Bremerton Chamber of Commerce and Public Affair Officer for the Puget Sound Naval Shipyard, who were seated in the gallery.*

**MOTION**

*Senator Shin moved that the following resolution be adopted:*

## SENATE RESOLUTION 8720

*By Senators Shin, Kastama, West, Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Spanel, Stevens, Swecker, Thibaudeau, Winsley and Zarelli*

*WHEREAS, Green Beret, Sergeant First Class Nathan R. Chapman, of Puyallup, Washington, served his country most admirably as a U.S. Army Special Forces Soldier based at Fort Lewis; and*

*WHEREAS, the married father of two spent the greater part of his twelve-and-a-half year military career at Fort Lewis with the First Special Forces Group; and*

*WHEREAS, Sergeant First Class Chapman served his country most honorably in several overseas conflicts, including Panama, Haiti, and Operation Desert Storm; and*

*WHEREAS, Sergeant First Class Chapman was assigned to the Fifth Special Forces Group in Afghanistan to assist in the struggle against the al-Quaida terrorist network and its Taliban allies; and*

*WHEREAS, the Green Berets, in cooperation with CIA officers, were combing eastern Afghanistan near Khost on intelligence missions with Afghan fighters, searching caves and bunkers for remaining al-Quaida and Taliban soldiers; and*

*WHEREAS, on January 4, 2002, near the Afghanistan-Pakistan border where Chapman and the CIA were collaborating with Afghan fighters, the Green Beret was hit by intense machine gun and rifle fire; and*

*WHEREAS, Sergeant First Class Chapman was killed in the firefight, becoming the first U.S. Serviceman slain by enemy action in three months of warfare; and*

*WHEREAS, Sergeant First Class Chapman was a dutiful son, loving husband and devoted father, who is survived by his wife, Renae, and children, Amanda, 2, and Brandon, 1, and by his parents, Will and Lynn Chapman of Georgetown, Texas;*

*NOW, THEREFORE, BE IT RESOLVED, That we express our deepest sympathy to the family of Nathan R. Chapman in this time of extreme sorrow; and*

*BE IT FURTHER RESOLVED, That we commend the courageous actions of Sergeant First Class Chapman, recognizing his loyalty, commitment and selfless service in defending the United States – even at the cost of his own life; and*

*BE IT FURTHER RESOLVED, That the members of the Washington State Senate do hereby express their most heartfelt appreciation to Sergeant First Class Chapman for his outstanding example of patriotism in the cause of peace and freedom, recognizing his ultimate sacrifice in service to his country; and*

*BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of Sergeant First Class Chapman.*

### REMARKS BY SENATOR SHIN

*Senator Shin: "Mr. President and members of the Senate--my colleagues. Today, I present to you Green Beret, Sergeant First Class Nathan R. Chapman in this rotunda. I feel with emotion because of what this young man has exemplified serving his country--the love and dedication he has given.*

*"He left behind his mother and father; he left behind a loving wife and two children and her family. The day he left, according to Renae, 'The day he left, we all cried. He gave me a heart and he broke it and he left.' I tried to recollect what may have happened at that moment. This young man only thirty-one years old leaving into a combat situation to serve his country and perhaps not knowing whether he will return or not.*

*"But, I especially feel for his wife, Renae, and what she must have thought. I remember half a century ago in Korea as a fifteen year old house boy serving U. S. Armed Forces. As the soldiers left in the morning for a combat situation, they all had deep emotion, concerned and*

*worried. Maybe some of them come back without an arm; some come back without a leg; and some never come back. As a little boy, I thought what must they have to do to serve their country and to even sacrifice their blood for purposes unknown?*

*"I remember 1958 as a PFC stationed in Germany in the US Army. The Second Army Division was sent to the Lebanon crisis. In the airfield, we took a lot of sniper shots, but we were not allowed to shoot to fight them back. The hearts and thoughts came to our minds however as to how difficult it must be to sacrifice and yet they ask no questions because of the love that they have for their country. I do love this country and we talk about the price of freedom and may I say to you, my colleagues, the price of freedom bears responsibility. The country is wonderful and strives for freedom and opportunity for all.*

***"I express these thoughts in a few words in the situation of September 11--the situation-- title America. 'America your name is New Land, land of opportunity; land of enduring hope, admired by the nations, desired by its people. A symbol of freedom, an answer to liberty, sheltering those defeated by oppression, beckoning those burdened with despair, gathering all in a passionate embrace. In your magnificence, you offer hope, in your splendor, you provide opportunity, too often misrepresented, too easily misunderstood, strong and mighty, yet humble in spirit. Who dare to threaten, who dare to attack, to inflict pain and suffering, what caused these tears I see, flowing from your eyes--flooding the streams and rivers, into the cities and homes. The ends of the world would not be too far, my life not too precious, to defend and sustain your unprecedented honor until justice rings true throughout the land. The New Land-- your name is America, land of blessings, land of prosperity, protected by the seal, IN GOD WE TRUST. Just as peace and tranquility follow the storm, and a radiant sunrise clears the darkness, restoration begins as we unite. You reign in our hearts, now stronger than ever, drawing all nations to marvel at your grace.'***

"I would like to dedicate my heartfelt sympathy to the Chapman family--mother and dad, both of Renae's parents, and Renae and two little children. I try to wonder what the young children may go through. It is our responsibility to care for them and to love them at all costs. I feel for them deeply and I want you to know that we honor you and appreciate you for the sacrifice you made on our behalf.

"We offer this Resolution as a result of that. I also urge my colleagues in the Senate to join me in signing on this resolution before we pass this copy to the Chapman family. Thank you very much."

#### REMARKS BY SENATOR SWECKER

Senator Swecker: "Thank you, Mr. President. I, too, rise in support of this resolution and to recognize the courage of Sergeant Chapman. One of the things that we should remember is that Sergeant Chapman was in his early thirties and he had a young family and wife. I know when I served in Vietnam, I was a twenty-one year old kid. I served with men who were career soldiers and who had commitments like this at home. It was a bigger challenge for them. I know they had concerns about their families and concerns about what might happen in the event that something happened to them.

"I also want to commend his parents and his wife for their courage, even since his death in Afghanistan. I've seen them on TV going through a lot of the different ceremonies and participating in commemorations and it is not an easy task. I think their dignity has shown forth and is an honor to Sergeant Chapman.

"Finally, I would like to say that, having been in a fire fight and having been wounded by small arms fire, I am sure that Sergeant Chapman's last thoughts were of his family and I hope that is a comfort to them. Thank you."

#### REMARKS BY SENATOR KASTAMA

Senator Kastama: "Thank you, Mr. President. On the morning of January 11, last Friday, my son, like hundreds of other children gathered at the end of the block to get on the bus and go to school. That was in the home town of Sergeant First Class Nathan Chapman in Puyallup. I, instead, went to the service for Nathan Chapman and the two were so linked, because without the sacrifice of individuals like Nathan Chapman, my son and other children in my community would not enjoy what they do enjoy in my community.

"At the service, I saw the family. I saw the family of the Special Forces, the family of Washington and the family of the United States gathered to support Nathan Chapman's family. As Senator Shin so aptly points out, the United States is a very unique place. All nationalities are here and it is actually a grand experiment, as some people call it. We are a country that goes outside of our borders to enforce justice in the world and there is a price to pay for that. We pay that price, because we hope that other children in other countries and in our country continue to have what my children have--the values and the freedom that we have here. It is because of that sacrifice that we do have that.

"Mrs. Chapman, I am sorry that you are here today. I think that this is the absolute least thing that we can do, as leaders in our community, to express our sorrow for your loss and our thanks for what your family has done for the United States. Thank you."

#### REMARKS BY SENATOR HEWITT

Senator Hewitt: "Thank you, Mr. President. I recall back in the mid to late sixties. Vietnam was on and you would walk through airports and see protesters from the war. I can't repeat what I used to tell those people, but it went something like this: 'You can stand here today and do exactly what you are doing, because men are in Vietnam dying, so that you can stand here.' I have a coffee mug that I carry with me daily and use daily and inscribed on it that mug, it says, 'Freedom is not free.' Freedom is a gift. It is a privilege and Sergeant Chapman has paid the price for that freedom that we all enjoy. We wish you well. Godspeed the family of Sergeant Chapman. We feel deeply for you."

#### REMARKS BY SENATOR DECCIO

Senator Deccio: "Thank you, Mr. President. In June of this year, we will be dedicating the New National Guard Armory in Yakima. After I heard of the death of Sergeant Chapman, I thought it very fitting to do what I am going to do. I have prepared a letter to General Lowenberg, requesting that the facility be named 'The Nathan Chapman Readiness Center.' I would like to have all of you that feel that you can, to sign that letter. I think it is very appropriate that the first person to die in Afghanistan in this war that we take that opportunity and honor him in that way. So, I will be coming around and talking to you."

***The President declared the question before the Senate to be the adoption of Senate Resolution 8720. The motion by Senator Shin carried and the resolution was adopted.***

#### **INTRODUCTION OF SPECIAL GUESTS**

***The President welcomed, introduced and offered condolences to Renae Chapman, the wife of Sergeant First Class Nathan Chapman and their children, Amanda and Brandon. He also introduced Will and Lynn Chapman, the mother and father of Nathan Chapman, and the parents of Renae Chapman, Ted and Rosselyn Nesteby. Captain Edwin Hoenig, Detachment Commander to Nathan Chapman accompanied the family in the State Senate Gallery.***

#### **MOTION**

***On motion of Senator Snyder, the remarks on the adoption of Senate Resolution 8720 will be transcribed and sent to the family of Green Beret, Sergeant First Class Nathan R. Chapman, as well as included in the Senate Journal.***

#### **MOTION**

***On motion of Senator Morton, the following resolution was adopted:***

#### **SENATE RESOLUTION 8716**

By Senators Morton, West, Sheldon, B., Fairley, Sheahan, McCaslin, Parlette, Gardner, Johnson, Jacobsen, Kohl-Welles, Benton, Shin, Deccio, Costa, Fraser, Rossi, Oke, Thibaudeau, Swecker, Hewitt, Zarelli, Hochstatter, Haugen, Hargrove, Brown, Carlson, Eide, Finkbeiner, Franklin, Hale, Honeyford, Horn, Kastama, Keiser, Kline, Long, McAuliffe, McDonald, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheldon, T., Snyder, Spanel, Stevens and Winsley

WHEREAS, Sergeant Nathan P. Hays of Wilbur, Washington, served his country most admirably as a Marine; and  
WHEREAS, A 1999 graduate of Wilbur High School, Hays was the only member of his class to join the military right out of high school, as he knew for years that he wanted to be a Marine; and

WHEREAS, Always an athlete, Hays participated in wrestling, played baseball, and won all-league honors as a tight end and linebacker on his high school football team; and

WHEREAS, As a high school junior, Hays completed his Eagle Scout project by raising \$5,100, gathering donated materials and signing up volunteers to help him with the physical labor involved in erecting a new baseball scoreboard for the town of Wilbur; and

WHEREAS, twenty-one-year-old Hays also loved hunting and was described by many as an extremely polite young man who possessed a quiet strength; and

WHEREAS, On January 9, a U.S. military tanker plane involved in the "Operation Enduring Freedom" effort crashed into a mountain in Pakistan while making a landing approach, killing all seven Marines on board, including Hays; and

WHEREAS, Hays is survived by his father, Washington State Patrol trooper James Hays; his mother Kimberly Hays; his older brother Patrick; and his younger sister Kassie;

NOW, THEREFORE, BE IT RESOLVED, That we express our deepest sympathy to the family of Nathan P. Hays in this time of extreme sorrow; and

BE IT FURTHER RESOLVED, That we commend the courageous actions of Sergeant Hays, recognizing his loyalty, commitment and selfless service in defending the United States – even at the cost of his own life; and

BE IT FURTHER RESOLVED, That the members of the Washington State Senate do hereby express their most heartfelt appreciation to Sergeant Hays for his outstanding example of patriotism in the cause of peace and freedom, and recognize his ultimate sacrifice in service to his country; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the family of Sergeant Hays.

#### **INTRODUCTION OF SPECIAL GUEST**

The President welcomed and introduced Sara Skocilich, a cousin of Sergeant Nathan P. Hays and a Senate Intern for the 2002 Session, who was seated in the gallery.

#### **PERSONAL PRIVILEGE**

***Senator Franklin: "A point of personal privilege, Mr. President. Throughout American history, we have had great men and women who have made enormous contributions to our country through giving of service. Some have paid the ultimate price of losing their lives such as those whom we are honoring and remembering today--Sergeant Nathan Ross Chapman, Sergeant Nathan P. Hayes and Rev. Dr. Martin Luther King, Jr.--the Baptist preacher who became a drum major for peace.***

***“On Monday, our nation will pay tribute to the life and work of Martin Luther King, Jr. He was a man who stood for many things, but above all he stood for the notion that, through service, everyone can contribute to the common good. Everyone can help move us toward a more fair and just society; everyone can contribute to making their communities stronger.***

“No one said it better than Dr. King. He said ‘Everybody can be great. Because anybody can serve. You don’t have to have a college degree to serve. You don’t have to make your subject and your verb agree to serve. You don’t have to know about Plato and Aristotle to serve. You don’t have to know Einstein’s theory of relativity to serve. You don’t have to know the second theory of thermodynamics to serve. You only need a heart full of grace. A soul generated by love.’

“In the wake of the tragic events of September 11, we saw many hearts full of grace and compassion. We saw our leaders, in the spirit of Martin Luther King, reached out to our Muslim friends and neighbors to stand with them against hate and bigotry. We were reminded again of the evils of intolerance and the importance of community.

“It is in that spirit--the spirit of service and compassion--that we can best honor the memory of Martin Luther King. Each of us can take an hour to visit a resident in a nursing home--or help build a home for a struggling family--or teach a child how to read--or plant a tree along a salmon stream.

“Let us not let Martin Luther King Day become just another holiday whose origins and meaning are lost. Let us carry forward his legacy by taking action, by serving in our communities, by, as he said, ‘Working unceasingly to uplift this nation that we love to a higher plateau of compassion.’ Thank you.”

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the seventh order of business.

THIRD READING

SENATE BILL NO. 5852, by Senators Franklin, Kline, Costa and Kohl-Welles

Reporting on issues pertaining to racial profiling.

MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5852 was returned to second reading and read the second time.

MOTIONS

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

On page 3, line 11, strike "2001" and insert "2002"

On motion of Senator Franklin, Engrossed Senate Bill No. 5852 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5852.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5852 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Parlette - 1.

ENGROSSED SENATE BILL NO. 5852, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTIONS

On motion of Senator West, Senator McDonald was excused.

On motion of Senator Honeyford, Senator Parlette was excused.

MOTION

On motion of Senator Eide, Senator Kline was excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5236, by Senate Committee on Human Services and Corrections (originally sponsored by Senators Kohl-Welles, Long, Thibaudeau, Costa, McAuliffe, Eide, Stevens, Fairley, Prentice, Franklin, Fraser, Carlson, Spanel, Regala, Hargrove, Oke and Patterson)

Ensuring the health and safety of newborn infants who have been abandoned and exempting from criminal liability persons who abandon them into the custody of a qualified person.

## MOTIONS

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 5236 was returned to second reading and read the second time.

On motion of Senator Kohl Welles, the following striking amendment by Senators Kohl-Welles, Long and Hargrove was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to increase the likelihood that pregnant women will obtain adequate prenatal care and will provide their newborns with adequate health care during the first few days of their lives. The legislature recognizes that prenatal and postdelivery health care for newborns and their mothers is especially critical to their survival and well-being. The legislature intends that reasonable steps should be taken to remove any barriers to such care, particularly for those parents who may otherwise encounter emotional and/or psychological barriers to obtaining such care by reducing impediments to obtaining prenatal and postdelivery care to newborns while encouraging pregnant women to act responsibly regarding the health of their newborns. The legislature does not intend to encourage the abandonment of newborn children nor to change existing law relating to notification to parents under chapter 13.34 RCW, but rather to assure that abandonment does not occur and that all newborns have an opportunity for adequate health care and a stable home life.

**NEW SECTION. Sec. 2.** A new section is added to chapter 13.34 RCW to read as follows:

(1) For purposes of this section:

(a) "Appropriate location" means the emergency department of a hospital licensed under chapter 70.41 RCW during the hours the hospital is in operation.

(b) "Newborn" means a live human being who is less than seventy-two hours old.

(c) "Qualified person" means any person that the parent transferring the newborn reasonably believes is a bona fide employee, volunteer, or medical staff member of the hospital and who represents to the parent transferring the newborn that he or she can and will summon appropriate resources to meet the newborn's immediate needs.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location is not subject to criminal liability under RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, or 26.20.035.

(3)(a) The qualified person and the hospital shall not require the parent transferring the newborn to provide any identifying information in order to transfer the newborn.

(b) The qualified person and the hospital shall attempt to protect the anonymity of the parent who transfers the newborn, while providing an opportunity for the parent to anonymously give the hospital such information as the parent knows about the family medical history of the parents and the newborn. The qualified person and the hospital shall provide referral information about adoption options, counseling, appropriate medical and emotional aftercare services, domestic violence, and legal rights to the parent seeking to transfer the newborn.

(c) If a parent of a newborn transfers the newborn to a qualified person at an appropriate location pursuant to this section, the hospital shall cause child protective services to be notified within twenty-four hours after receipt of such a newborn. Child protective services shall assume custody of the newborn within twenty-four hours after receipt of notification and shall arrange for discharge of the newborn from the hospital.

(d) A hospital, its employees, volunteers, and medical staff are immune from any criminal or civil liability for accepting or receiving a newborn under this section.

**Sec. 3.** RCW 9A.42.060 and 1996 c 302 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the first degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or other dependent person any of the basic necessities of life;

(b) The person recklessly abandons the child or other dependent person; and

(c) As a result of being abandoned, the child or other dependent person suffers great bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 2 of this act is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the first degree is a class B felony.

**Sec. 4.** RCW 9A.42.070 and 1996 c 302 s 3 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the second degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or other dependent person any of the basic necessities of life; and

(b) The person recklessly abandons the child or other dependent person; and:

(i) As a result of being abandoned, the child or other dependent person suffers substantial bodily harm; or

(ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other dependent person will die or suffer great bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 2 of this act is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the second degree is a class C felony.

**Sec. 5.** RCW 9A.42.080 and 1996 c 302 s 4 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person is guilty of the crime of abandonment of a dependent person in the third degree if:

(a) The person is the parent of a child, a person entrusted with the physical custody of a child or other dependent person, or a person employed to provide to the child or dependent person any of the basic necessities of life; and

(b) The person recklessly abandons the child or other dependent person; and:

(i) As a result of being abandoned, the child or other dependent person suffers bodily harm; or

(ii) Abandoning the child or other dependent person creates an imminent and substantial risk that the child or other person will suffer substantial bodily harm.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 2 of this act is not subject to criminal liability under this section.

(3) Abandonment of a dependent person in the third degree is a gross misdemeanor.

**Sec. 6.** RCW 26.20.030 and 1984 c 260 s 26 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, any person who has a child dependent upon him or her for care, education or support and deserts such child in any manner whatever with intent to abandon it is guilty of the crime of family abandonment.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 2 of this act is not subject to criminal liability under this section.

(3) The crime of family abandonment is a class C felony under chapter 9A.20 RCW.

**Sec. 7.** RCW 26.20.035 and 1984 c 260 s 27 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, any person who is able to provide support, or has the ability to earn the means to provide support, and who:

(a) Willfully omits to provide necessary food, clothing, shelter, or medical attendance to a child dependent upon him or her; or

(b) Willfully omits to provide necessary food, clothing, shelter, or medical attendance to his or her spouse,  
is guilty of the crime of family nonsupport.

(2) A parent of a newborn who transfers the newborn to a qualified person at an appropriate location pursuant to section 2 of this act is not subject to criminal liability under this section.

(3) The crime of family nonsupport is a gross misdemeanor under chapter 9A.20 RCW.

**NEW SECTION. Sec. 8.** (1) The secretary of the department of social and health services shall convene a task force to recommend methods of implementing this act, including how private or public funding may be obtained to support a program of public education regarding the provisions of this act. The task force shall consider all reasonable methods of educating Washington residents about the need for prenatal and postdelivery health care for a newborn whose parents may otherwise not seek such care and place their newborn at risk as a result. The task force shall also consider, and make recommendations regarding: (a) Ways to meet the medical and emotional needs of the mother and to improve the promotion of adoption as an alternative to placing a newborn in situations that create a serious risk to his or her health; and (b) methods of providing access to (i) the medical history of the parents of a newborn who is transferred to a hospital pursuant to section 2 of this act; and (ii) the medical history of the newborn, consistent with the protection of the anonymity of the parents of the newborn. The task force shall develop model forms of policies and procedures for hospitals to use in receiving newborns under section 2 of this act.

(2) In addition to the secretary, or the secretary's designee, the task force shall include but not be limited to representation from the following: (a) Licensed physicians; (b) public and private agencies which provide adoption services; (c) private attorneys handling adoptions; (d) the licensed nursing community; (e) hospitals; (f) prosecuting attorneys; (g) foster parents; (h) the department of health; (i) the attorney general; (j) advocacy groups concerned with the availability of adoption records; (k) risk managers; and (l) the public. At least three members of the task force shall be public members. The task force may seek input from other experts as needed.

(3) Members of the task force shall serve without compensation.

(4) The task force shall submit its report and recommendations to the governor and legislature not later than December 1, 2002.

(5) This section expires January 1, 2004.

**NEW SECTION. Sec. 9.** Sections 1 through 7 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately."

## MOTIONS

On motion of Senator Kohl-Welles, the following title amendment was adopted.

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending RCW 9A.42.060, 9A.42.070, 9A.42.080, 26.20.030, and 26.20.035; adding a new section to chapter 13.34 RCW; creating new sections; prescribing penalties; providing an expiration date; and declaring an emergency."

On motion of Senator Kohl Welles, Engrossed Substitute Senate Bill No. 5236 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5236.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5236 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yeas: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Kline, McDonald and Parlette - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Eide, Senator Thibaudeau was excused.

## THIRD READING

SENATE BILL NO. 5064, by Senators Prentice and Winsley (by request of Gambling Commission)

Defining degrees of gambling cheating.

The bill was read the third time and placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5064.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5064 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yeas: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Excused: Senators Kline, McDonald, Parlette and Thibaudeau - 4.

SENATE BILL NO. 5064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

At 11:09 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, January 21, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTH DAY, JANUARY 18, 2002

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

**EIGHTH DAY**

**NOON SESSION**

*Senate Chamber, Olympia, Monday, January 21, 2002*

**The Senate was called to order at 12:00 noon by President Pro Tempore Franklin. No roll call was taken.**

**MOTION**

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

**MOTION**

**On motion of Senator Betti Sheldon, and pursuant to Rule 46, the Committee on Labor, Commerce and Financial Institutions was granted permission to meet during session.**

**EDITOR'S NOTE: Senate Rule 46 states: 'No committee shall sit during the daily session of the senate unless by special leave.'**

**REPORT OF STANDING COMMITTEE**

**January 18, 2002**

**SB 6241 Prime Sponsor, Senator Rasmussen: Excluding agriculturally cultivated Christmas trees from chapter 76.09 RCW. Reported by Committee on Agriculture and International Trade**

**MAJORITY Recommendation: That Substitute Senate Bill No. 6241 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Snyder and Swecker.**

**Passed to Committee on Rules for second reading.**

**MESSAGE FROM STATE OFFICE**

**STATE OF WASHINGTON  
Department of Agriculture  
P. O. Box 42560  
Olympia, Washington 98504-2560**

**January 16, 2002**

**Mr. Tony Cook  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482**

**Re: Report to the Legislature - Nonnutritive Substances in Fertilizers**

**Dear Mr. Cook:**

**Enclosed is the First Report to the Legislature on the Levels of Nonnutritive Substances in Fertilizers. Under RCW 15.54.433, the Department of Agriculture, and the Department of Ecology in consultation with the Department of Health, are to biennially prepare a report to the Legislature presenting information on levels of nonnutritive substances in fertilizers as well as the results from agency testing of sampled products.**

**If you have any questions or would like additional copies of the report, please called me at 902-1850. Thank you.**

**Sincerely,  
LESLIE EMERICK, Legislative Stakeholder Outreach Coordinator**

**The Report from the Department of Agriculture on Nonnutritive Substances in Fertilizers is on file in the Office of the Secretary of Senate.**

**MESSAGES FROM THE HOUSE**

**January 18, 2002**

**MR. PRESIDENT:**

**The Speaker has signed Senate Bill No. 6296, and the same is herewith transmitted.**

**CYNTHIA ZEHNDER, Chief Clerk**

**January 18, 2002**

**MR. PRESIDENT:**

**The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2304, and the same is herewith transmitted.**

**CYNTHIA ZEHNDER, Chief Clerk**

**INTRODUCTION AND FIRST READING**

**SB 6515 by Senators McAuliffe, Finkbeiner, B. Sheldon, Carlson, Kohl-Welles, Shin, Kastama, Jacobsen, Fraser, Fairley, Winsley, Oke and Rasmussen**

**AN ACT Relating to clarifying the uses of the school district capital projects fund to include the costs of implementing technology facilities plans; amending RCW 28A.320.330; and creating a new section.  
Referred to Committee on Education.**

**SB 6516 by Senators Regala, Fairley, Gardner, Prentice and Franklin**

**AN ACT Relating to damages for a self-insurer delaying or refusing to pay benefits; and amending RCW 51.48.017.  
Referred to Committee on Labor, Commerce and Financial Institutions.**

**SB 6517 by Senators Kohl-Welles, Stevens, Prentice, Swecker, Roach, Fairley, Hochstatter, Thibaudeau and Winsley**

**AN ACT Relating to civil forfeitures of property; amending RCW 69.50.505 and 9A.83.030; and reenacting and amending RCW 69.50.520.  
Referred to Committee on Judiciary.**

**SB 6518 by Senators Finkbeiner, Fairley, Stevens, Roach, Kohl-Welles and Winsley**

**AN ACT Relating to requiring a social security number for the purpose of identification; adding a new section to chapter 19.86 RCW; and creating a new section.  
Referred to Committee on Labor, Commerce and Financial Institutions.**

**SB 6519 by Senators Kline, Hochstatter, Prentice, Thibaudeau, Regala, Kohl-Welles and Winsley**

**AN ACT Relating to restoring voting rights to felons upon completion of supervision; adding new sections to chapter 9.94A RCW; and adding a new section to chapter 9.96 RCW.  
Referred to Committee on Judiciary.**

**SB 6520 by Senators Prentice and Carlson**

**AN ACT Relating to pathological gambling; adding new sections to chapter 70.96A RCW; and making appropriations.  
Referred to Committee on Labor, Commerce and Financial Institutions.**

**SB 6521 by Senators Kohl-Welles and Kline (by request of Sentencing Guidelines Commission)**

**AN ACT Relating to a youthful offender sentencing alternative; amending RCW 9.94A.505, 9.94A.585, and 13.40.300; reenacting and amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; and prescribing penalties.  
Referred to Committee on Human Services and Corrections.**

**SB 6522 by Senators Kline, McCaslin, Kastama, Eide and Winsley**

**AN ACT Relating to communications with government branches or agencies and self-regulatory organizations; and amending RCW 4.24.510.  
Referred to Committee on Judiciary.**

**SB 6523 by Senators McAuliffe, Prentice, Finkbeiner, Johnson, Shin and Rasmussen**

**AN ACT Relating to requiring a physician's medication or treatment order as a condition for children with life-threatening conditions to attend public school; and adding a new section to chapter 28A.210 RCW.  
Referred to Committee on Education.**

**SB 6524 by Senators Prentice, Deccio, Keiser, Kline, Winsley, Franklin, Benton, Regala, Rasmussen, Gardner, Hochstatter, Eide and Kohl-Welles (by request of Governor Locke, Insurance Commissioner Kreidler and Attorney General Gregoire)**

**AN ACT Relating to using credit history for insurance purposes; adding a new section to chapter 48.18 RCW; adding a new section to chapter 48.19 RCW; creating a new section; and providing an effective date.  
Referred to Committee on Labor, Commerce and Financial Institutions.**

**SB 6525 by Senators Prentice, Deccio, Keiser, Winsley, Franklin and Gardner (by request of Governor Locke, Insurance Commissioner Kreidler and Attorney General Gregoire)**

**AN ACT Relating to regulating single premium credit insurance; adding a new section to chapter 48.30 RCW; and creating a new section. Referred to Committee on Labor, Commerce and Financial Institutions.**

**SB 6526 by Senators Keiser and Winsley (by request of Insurance Commissioner Kreidler)**

***AN ACT Relating to renewing contracts of insurance that are subject to RCW 48.18.290; and amending RCW 48.18.2901.***

***Referred to Committee on Labor, Commerce and Financial Institutions.***

**SB 6527 by Senators Keiser, Winsley, Deccio, Gardner and Rasmussen (by request of Insurance Commissioner Kreidler)**

***AN ACT Relating to the process of applying for a license or solicitation permit from the insurance commissioner; amending RCW 48.06.040, 48.17.090, 48.15.070, 48.56.030, and 48.102.015; and declaring an emergency.***

***Referred to Committee on Labor, Commerce and Financial Institutions.***

**SB 6528 by Senators Keiser, Eide and Costa**

***AN ACT Relating to the selection of responsible contractors bidding on public works; and adding a new chapter to Title 39 RCW.***

***Referred to Committee on State and Local Government.***

**SB 6529 by Senators Gardner and Haugen**

***AN ACT Relating to holding or lapsing elections due to vacancies in public office; and amending RCW 29.15.190 and 42.12.040.***

***Referred to Committee on State and Local Government.***

**SB 6530 by Senators Rasmussen, Haugen, Long, Hale and Winsley**

***AN ACT Relating to salvage vehicles; and amending RCW 46.12.005 and 46.12.070.***

***Referred to Committee on Transportation.***

**SB 6531 by Senators Fraser, Finkbeiner, Brown, Hochstatter, Poulsen and Morton**

***AN ACT Relating to amending the authority and duties of the joint committee on energy supply; and amending RCW 44.39.070 and 43.21G.040.***

***Referred to Committee on Environment, Energy and Water.***

**SB 6532 by Senators Prentice, Fairley, Franklin, Keiser, Gardner, Kohl-Welles, Fraser, Kline, Poulsen and Thibaudeau**

***AN ACT Relating to subsidy disclosure; adding new sections to chapter 42.17 RCW; and creating a new section.***

***Referred to Committee on State and Local Government.***

**SB 6533 by Senators Fraser, Eide, McAuliffe, Keiser and Kohl-Welles**

***AN ACT Relating to mercury reduction and education; adding a new chapter to Title 70 RCW; prescribing penalties; and providing effective dates.***

***Referred to Committee on Environment, Energy and Water.***

**SB 6534 by Senators Haugen, Horn, McAuliffe, Winsley, Hale, Rasmussen and Kohl-Welles**

***AN ACT Relating to creating a law enforcement memorial; amending RCW 46.16.313; and adding a new section to chapter 46.16 RCW.***

***Referred to Committee on Transportation.***

**SB 6535 by Senator Hargrove**

**AN ACT Relating to the chemical dependency disposition alternative; and amending RCW 13.40.165.**

**Referred to Committee on Human Services and Corrections.**

**SB 6536 by Senators Hargrove, Long and Costa**

**AN ACT Relating to caseload requirements for department of social and health services personnel; amending RCW 43.20A.050, 43.20A.090, and 43.20A.610; and adding a new section to chapter 43.20A RCW.**

**Referred to Committee on Human Services and Corrections.**

**SB 6537 by Senators Costa, Winsley, Kohl-Welles, Thibaudeau, Fairley, Kline, Jacobsen, Prentice, B. Sheldon and Keiser**

**AN ACT Relating to emergency care for victims of sexual assault; amending RCW 70.41.020; adding new sections to chapter 70.41 RCW; and creating a new section.**

**Referred to Committee on Health and Long-Term Care.**

**SB 6538 by Senators Regala, Jacobsen and Oke**

**AN ACT Relating to ballast water; amending RCW 77.120.030 and 77.120.060; adding a new section to chapter 77.120 RCW; creating a new section; and providing an expiration date.**

**Referred to Committee on Natural Resources, Parks and Shorelines.**

**SB 6539 by Senators T. Sheldon, Poulsen and Rossi (by request of Department of Revenue)**

**AN ACT Relating to implementing the federal mobile telecommunications sourcing act; amending RCW 82.04.065, 82.08.0289, 82.14.020, 82.14B.030, 35.21.714, and 35A.82.060; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 35.21 RCW; creating new sections; and providing an effective date.**

**Referred to Committee on Economic Development and Telecommunications.**

**SB 6540 by Senators Regala and Poulsen (by request of Department of Revenue)**

**AN ACT Relating to simplifying tax administration by revising terminology and updating references and procedures; amending RCW 67.28.1801, 67.40.140, 82.04.010, 82.04.050, 82.04.260, 82.04.272, 82.04.290, 82.04.290, 82.04.470, 82.08.010, 82.08.0266, 82.08.02665, 82.08.02745, 82.08.0283, 82.08.820, 82.08.890, 82.12.02565, 82.12.010, 82.12.02567, 82.12.0277, 82.12.045, 82.14.0485, 82.14.0494, 82.14.370, 82.14.390, 82.16.010, 82.18.060, 82.32.050, 82.32.060, 82.45.032, 84.04.090, and 84.36.383; amending 2001 c 188 s 1 (uncodified); creating a new section; repealing RCW 63.29.033; providing an effective date; and providing an expiration date.**

**Referred to Committee on Ways and Means.**

**SB 6541 by Senators Fraser, McAuliffe, Keiser, Kastama, Franklin, Gardner, Eide, Thibaudeau, Prentice and Rasmussen**

**AN ACT Relating to retiring early in the public employees' retirement system, plan 2; and amending RCW 41.40.630.**

**Referred to Committee on Ways and Means.**

**SB 6542 by Senators McAuliffe, McDonald, Fairley, Finkbeiner, Kohl-Welles, Horn, Eide, Regala, Kastama, Prentice, Poulsen, Rossi, Keiser, Thibaudeau, Costa, Shin and Jacobsen**

**AN ACT Relating to the maximum allowable percentage for maintenance and operation school levies; and amending RCW 84.52.0531.**

**Referred to Committee on Education.**

**SB 6543 by Senators B. Sheldon, Snyder, T. Sheldon, Stevens, McCaslin, McAuliffe, Hale and Rasmussen (by request of Governor Locke)**

***AN ACT Relating to the community economic revitalization board; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.84 RCW; creating new sections; and providing an expiration date.  
Referred to Committee on Economic Development and Telecommunications.***

***SB 6544 by Senator Brown (by request of Department of Social and Health Services)***

***AN ACT Relating to licensing fees for adult family homes; and amending RCW 70.128.060.  
Referred to Committee on Ways and Means.***

***SB 6545 by Senator Brown (by request of Department of Social and Health Services)***

***AN ACT Relating to the nursing facility medicaid payment system; amending RCW 74.46.020, 74.46.165, 74.46.310, 74.46.320, 74.46.330, 74.46.350, 74.46.410, 74.46.431, 74.46.435, 74.46.437, 74.46.439, 74.46.506, 74.46.511, 74.46.515, and 74.46.521; and repealing RCW 74.46.433.  
Referred to Committee on Ways and Means.***

***SB 6546 by Senators Johnson, Kline and Stevens***

***AN ACT Relating to stolen merchandise pallets; and amending RCW 9A.56.020 and 9A.56.140.  
Referred to Committee on Judiciary.***

***SB 6547 by Senators Haugen, Johnson, Eide, Horn, Spanel, Gardner, Benton, Winsley, Hale, Regala and Hewitt***

***AN ACT Relating to traffic safety education for persons under the age of eighteen; and amending RCW 46.20.100, 46.20.055, and 46.20.070.  
Referred to Committee on Transportation.***

***SB 6548 by Senators Kastama, Oke, Rasmussen and Gardner***

***AN ACT Relating to signs on bus shelters; and amending RCW 46.61.075, 47.12.120, and 47.42.040.  
Referred to Committee on Transportation.***

***SB 6549 by Senators Honeyford, Deccio and Hale***

***AN ACT Relating to continuing competency requirements for optometrists; and amending RCW 18.53.050.  
Referred to Committee on Health and Long-Term Care.***

***SB 6550 by Senators Honeyford, Sheahan, Hargrove, Hochstatter, Morton and McCaslin***

***AN ACT Relating to removal of county seats; and amending RCW 36.12.010.  
Referred to Committee on State and Local Government.***

***SB 6551 by Senators Fairley, Keiser, Franklin and Prentice***

***AN ACT Relating to inmate labor; and amending RCW 72.09.010, 72.09.100, and 72.09.111.  
Referred to Committee on Human Services and Corrections.***

***SB 6552 by Senators West, Sheahan, McCaslin, Morton, Costa, Oke and Hale***

***AN ACT Relating to providing a sales and use tax exemption for items acquired for donation by a wish granting organization; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.  
Referred to Committee on Ways and Means.***

**SB 6553 by Senators Poulsen, Oke and Regala (by request of Governor Locke)**

**AN ACT Relating to invasive aquatic species; amending RCW 77.08.010, 77.12.020, and 77.15.290; reenacting and amending RCW 77.15.080; adding a new section to chapter 77.15 RCW; adding new sections to chapter 77.12 RCW; creating new sections; and prescribing penalties. Referred to Committee on Natural Resources, Parks and Shorelines.**

**SB 6554 by Senators Costa and Sheahan (by request of Uniform Legislation Commission)**

**AN ACT Relating to the uniform interstate family support act; adding new sections to chapter 26.21 RCW; and repealing RCW 26.21.005, 26.21.015, 26.21.025, 26.21.075, 26.21.085, 26.21.095, 26.21.105, 26.21.115, 26.21.127, 26.21.135, 26.21.145, 26.21.155, 26.21.205, 26.21.215, 26.21.225, 26.21.235, 26.21.245, 26.21.255, 26.21.265, 26.21.275, 26.21.285, 26.21.295, 26.21.305, 26.21.315, 26.21.325, 26.21.335, 26.21.345, 26.21.355, 26.21.365, 26.21.375, 26.21.385, 26.21.420, 26.21.450, 26.21.452, 26.21.453, 26.21.455, 26.21.456, 26.21.458, 26.21.460, 26.21.480, 26.21.490, 26.21.500, 26.21.510, 26.21.520, 26.21.530, 26.21.540, 26.21.550, 26.21.560, 26.21.570, 26.21.580, 26.21.590, 26.21.595, 26.21.600, 26.21.620, 26.21.640, 26.21.650, 26.21.912, 26.21.913, 26.21.914, 26.21.915, and 26.21.916. Referred to Committee on Judiciary.**

**SB 6555 by Senators Costa and Sheahan (by request of Uniform Legislation Commission)**

**AN ACT Relating to the uniform parentage act; amending RCW 5.44.140, 5.62.030, 9.41.070, 9.41.800, 74.20.310, 74.20.360, and 74.20A.056; adding new sections to chapter 26.26 RCW; repealing RCW 26.26.010, 26.26.020, 26.26.030, 26.26.035, 26.26.040, 26.26.050, 26.26.060, 26.26.070, 26.26.080, 26.26.090, 26.26.100, 26.26.110, 26.26.120, 26.26.137, 26.26.170, 26.26.180, 26.26.200, 26.26.900, 26.26.901, and 26.26.905; prescribing penalties; and providing an effective date. Referred to Committee on Judiciary.**

**SB 6556 by Senators Prentice, Winsley, Gardner, Rasmussen, Keiser, McAuliffe and Kohl-Welles**

**AN ACT Relating to temporary services agencies; and adding new sections to chapter 49.17 RCW. Referred to Committee on Labor, Commerce and Financial Institutions.**

**SB 6557 by Senators Kohl-Welles, Horn, Carlson, Shin, Jacobsen, Sheahan, McAuliffe, Parlette and B. Sheldon**

**AN ACT Relating to the selection of the chair of the higher education coordinating board; and amending RCW 28B.80.390 and 28B.80.400. Referred to Committee on Higher Education.**

**SB 6558 by Senators Kohl-Welles, Carlson and Hargrove (by request of Governor Locke)**

**AN ACT Relating to the governance of the Washington state school for the deaf; amending RCW 72.40.010, 72.40.022, 72.42.010, 72.42.020, 72.42.040, and 72.42.070; and adding a new section to chapter 72.40 RCW. Referred to Committee on Education.**

**SB 6559 by Senators Fairley, Horn, Haugen, Prentice and Winsley**

**AN ACT Relating to authorizing port districts to pay claims or other obligations by check or warrant; and adding a new section to chapter 53.36 RCW. Referred to Committee on State and Local Government.**

**SB 6560 by Senator Prentice (by request of Governor Locke)**

*AN ACT Relating to the shared game lottery revenues for education purposes; amending RCW 67.70.010 and 67.70.040; and adding new sections to chapter 67.70 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6561** by Senator Prentice (by request of Governor Locke)

*AN ACT Relating to the imposition of a state excise tax on pull-tabs, punch boards, and social card games; amending RCW 9.46.070 and 9.46.110; adding new sections to chapter 9.46 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6562** by Senators Swecker, Carlson, Finkbeiner, Deccio, McCaslin, Costa and Kohl-Welles

*AN ACT Relating to the process for election to Washington state and federal elective office; amending RCW 29.65.050; adding a new chapter to Title 29 RCW; and creating a new section.  
Referred to Committee on State and Local Government.*

**SB 6563** by Senator Swecker

*AN ACT Relating to motor vehicle taxes; reenacting and amending RCW 82.36.025; creating a new section; providing for submission of this act to a vote of the people; and declaring an emergency.  
Referred to Committee on Transportation.*

**SB 6564** by Senators Hale, Rasmussen, Hewitt, Haugen, Oke, T. Sheldon, Honeyford, Morton, Sheahan, Zarelli, Deccio, Rossi, Horn, Benton, Hochstatter, Swecker, McCaslin, West and Parlette

*AN ACT Relating to significant legislative rules; amending RCW 34.05.328; and creating a new section.  
Referred to Committee on State and Local Government.*

**SB 6565** by Senators Costa, Winsley, Gardner, Thibaudeau, Kastama, Keiser and Franklin

*AN ACT Relating to apprenticeship utilization requirements; and adding new sections to chapter 39.04 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.*

**SB 6566** by Senators Rasmussen, Shin, Sheahan, Honeyford, Hewitt, Swecker and Hale

*AN ACT Relating to agricultural liens; and amending RCW 60.13.060.  
Referred to Committee on Agriculture and International Trade.*

**SB 6567** by Senators Finkbeiner and Costa

*AN ACT Relating to health care teleservices; reenacting and amending RCW 48.43.005; adding new sections to chapter 48.43 RCW; creating a new section; and providing an effective date.  
Referred to Committee on Health and Long-Term Care.*

**SB 6568** by Senators Finkbeiner, Benton, Gardner, Poulsen, T. Sheldon, Winsley, Oke, Hale and Rasmussen

*AN ACT Relating to commercial electronic mail; and amending RCW 19.190.020 and 19.190.030.  
Referred to Committee on Economic Development and Telecommunications.*

**SB 6569** by Senators Finkbeiner and Gardner

*AN ACT Relating to green lanes; and amending RCW 46.61.165 and 47.52.025.  
Referred to Committee on Transportation.*

**INTRODUCTION AND FIRST READING OF HOUSE BILL**

**ESHB 2304 by House Committee on Transportation (originally sponsored by Representatives Fisher, Jarrett, Kessler, Berkey, Sullivan, Dunshee, Lovick, Kenney, Lantz, Santos, Ruderman, Edwards, Murray, Rockefeller, Wood, O'Brien, Cooper, Haigh, Fromhold, Tokuda, Ogden, Romero, Cody, Darneille, Simpson, Linville, Upthegrove, Schual-Berke, Kagi and McIntire (by request of Governor Locke)**

**Adopting certain recommendations of the state Blue Ribbon Commission on Transportation.**

**Referred to Committee on Transportation.**

**MOTION**

**At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, January 22, 2002.**

**BRAD OWEN, President of the Senate**

**TONY M. COOK, Secretary of the Senate**

JOURNAL OF THE SENATE

EIGHTH DAY, JANUARY 21, 2002

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**NINTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Tuesday, January 22, 2002

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

**SB 5079 Prime Sponsor, Senator Gardner: Updating motor vehicle tax provisions. Reported by Committee on Transportation** January 21, 2002

**MAJORITY Recommendation:** That Second Substitute Senate Bill No. 5079 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Kastama, Keiser, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

**SB 5162 Prime Sponsor, Senator Benton: Allowing private entities to operate state-owned safety rest areas. Reported by** January 21, 2002  
Committee on Transportation

**MAJORITY Recommendation:** That Second Substitute Senate Bill No. 5162 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Benton, Eide, Finkbeiner, Horn, Kastama, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

January 21, 2002

SB 5209 Prime Sponsor, Senator Tim Sheldon: Allowing federally recognized Indian tribes to buy surplus real property from the department of transportation. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5209 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Horn, Kastama, Keiser, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

January 21, 2002

SB 5218 Prime Sponsor, Senator Eide: Regulating the sale, distribution, and installation of air bags. Reported by Committee on Transportation

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5218 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Kastama, Keiser, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

January 21, 2002

SB 5592 Prime Sponsor, Senator Kastama: Making a technical amendment regarding the motor vehicle excise tax. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Kastama, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

January 21, 2002

SB 5782 Prime Sponsor, Senator Haugen: Enforcing seat belt laws as a primary action. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Kastama, Keiser, Oke, Prentice, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Finkbeiner, Horn and McDonald.

Passed to Committee on Rules for second reading.

January 21, 2002

SB 5949 Prime Sponsor, Senator Haugen: Erecting and maintaining motorist information sign panels. Reported by Committee on Transportation

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5949 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Finkbeiner, Horn, Kastama, McAuliffe, Oke, Shin and Swecker.

Passed to Committee on Rules for second reading.

January 21, 2002

SB 6232 Prime Sponsor, Senator Rasmussen: Revising crimes relating to possession of ammonia. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

January 21, 2002

SB 6233 Prime Sponsor, Senator Rasmussen: Clarifying references to ephedrine, pseudoephedrine, and ammonia. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6233 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

#### MESSAGE FROM THE GOVERNOR

January 22, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to advise you that on January 22, 2002, Governor Locke approved the following Senate Bill entitled:

SENATE BILL NO. 6296

Relating to the timeline for submission of a redistricting plan by the redistricting commission.

Sincerely,  
Everett H. Billingslea, General Counsel

#### INTRODUCTION AND FIRST READING

SB 6570 by Senators Long, Hargrove, Oke, Haugen and Rasmussen

AN ACT Relating to notification to coworkers of employment of sexually violent predator; and amending RCW 71.09.340.

Referred to Committee on Human Services and Corrections.

SB 6571 by Senators Franklin, Gardner, Fraser, Winsley, Keiser, McCaslin, Hargrove, Regala, Shin, Jacobsen, Snyder, Poulsen, Costa, B. Sheldon, Kastama, Spanel, Haugen, Fairley, Thibaudeau, McAuliffe, Rasmussen, Kohl-Welles and Oke

AN ACT Relating to information about ballot measures; amending RCW 29.81.250; and adding a new section to chapter 29.79 RCW.

Referred to Committee on State and Local Government.

SB 6572 by Senators Rasmussen, Morton, Carlson and Benton

AN ACT Relating to conservation district supervisors; amending RCW 29.13.020; adding a new section to chapter 42.17 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture and International Trade.

SB 6573 by Senators Regala, Winsley, Hochstatter, Eide, Rossi, Honeyford, Johnson, Jacobsen, Rasmussen and Kohl-Welles

AN ACT Relating to providing optional service credit for substitute service to members of the school employees' retirement system; amending RCW 41.35.010 and 41.35.030; and adding a new section to chapter 41.35 RCW.

Referred to Committee on Ways and Means.

SB 6574 by Senators McAuliffe, Long, Regala, Winsley, Kohl-Welles, Eide, Franklin, Deccio, Costa, Thibaudeau, Rasmussen and Johnson

AN ACT Relating to offering health care benefit plans to school district employees; amending RCW 41.05.011; and reenacting and amending RCW 41.05.075.

Referred to Committee on Education.

SB 6575 by Senator Hargrove

AN ACT Relating to natural area preserves; and amending RCW 79.70.030, 79.70.060, and 79.70.080.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6576 by Senator Hargrove

AN ACT Relating to supervision of juvenile offenders; amending RCW 13.40.020; reenacting and amending RCW 13.40.210; adding a new section to chapter 13.40 RCW; creating a new section; and repealing RCW 13.40.212.

Referred to Committee on Human Services and Corrections.

SB 6577 by Senators Gardner, Roach and Costa

AN ACT Relating to identification of subcontractors on public works contracts; amending RCW 39.30.060; and creating a new section.

Referred to Committee on State and Local Government.

SB 6578 by Senators B. Sheldon, Finkbeiner, Poulsen, Rossi and T. Sheldon

AN ACT Relating to leases for personal wireless communication facilities; and amending RCW 58.17.040. Referred to Committee on Economic Development and Telecommunications.

SB 6579 by Senators Prentice, Winsley and Keiser (by request of Department of Labor and Industries)

AN ACT Relating to occupational safety and health impacts grants; adding new sections to chapter 49.17 RCW; and making an appropriation.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6580 by Senator Swecker

AN ACT Relating to the public disclosure commission; and amending RCW 42.17.350, 42.17.370, and 42.17.410.

Referred to Committee on State and Local Government.

SB 6581 by Senators Poulsen, Jacobsen, Spanel and Kohl-Welles

AN ACT Relating to Puget Sound marine resource committees; amending RCW 79.24.580; adding a new chapter to Title 77 RCW; and creating a new section.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6582 by Senators Poulsen, Rossi and Fraser (by request of Department of Revenue)

AN ACT Relating to improving property tax administration by merging double amendments, correcting out-of-date terminology, and clarifying procedures; amending RCW 36.68.525, 84.09.030, 84.09.037, 84.14.110, 84.38.130, and 84.40.020; reenacting and amending RCW 84.33.130, 84.33.140, and 84.34.108; creating new sections; and repealing RCW 84.33.120.

Referred to Committee on Ways and Means.

SB 6583 by Senator Spanel (by request of Office of Financial Management)

AN ACT Relating to personal use fishing license fees; amending RCW 77.32.470 and 77.32.520; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6584 by Senators Thibaudeau and Deccio (by request of Department of Health)

AN ACT Relating to syphilis laboratory tests; and amending RCW 70.24.100.

Referred to Committee on Health and Long-Term Care.

SB 6585 by Senators Thibaudeau and Deccio (by request of Department of Social and Health Services)

AN ACT Relating to requiring support payments for developmentally disabled children in out-of-home care as a result of the budget deficit; and amending RCW 13.34.160, 13.34.270, 74.13.031, 74.13.350, and 74.20A.030.

Referred to Committee on Health and Long-Term Care.

SB 6586 by Senators Thibaudeau and Deccio (by request of Department of Health)

AN ACT Relating to the human immunodeficiency virus insurance program; adding a new section to chapter 43.70 RCW; repealing RCW 74.09.757; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 6587 by Senators Thibaudeau and Deccio (by request of Department of Health)

AN ACT Relating to eye banks; and repealing RCW 68.50.630.  
Referred to Committee on Health and Long-Term Care.

SB 6588 by Senators Rasmussen and Swecker

AN ACT Relating to food service rules; and adding a new section to chapter 43.20 RCW.  
Referred to Committee on Agriculture and International Trade.

SB 6589 by Senators Keiser and Long

AN ACT Relating to advance directives for mental health treatment; amending RCW 11.94.010, 11.88.010, and 11.88.030; adding a new chapter to Title 71 RCW; and creating a new section.  
Referred to Committee on Human Services and Corrections.

SB 6590 by Senators McAuliffe, Rossi and Kohl-Welles

AN ACT Relating to improving K-12 preparedness and performance through promoting better oral health; adding new sections to chapter 43.70 RCW; adding a new section to chapter 43.20A RCW; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 6591 by Senators Prentice and Oke (by request of Department of Revenue)

AN ACT Relating to revising the tobacco products tax by imposing the tax upon those persons who acquire tobacco products for resale from persons who are immune from state tax; amending RCW 82.26.010, 82.26.020, 82.26.025, and 82.26.030; and providing an effective date.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6592 by Senators Prentice, T. Sheldon and Oke

AN ACT Relating to increasing the number of eligible tribes for cigarette tax contracts; and amending RCW 43.06.460.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6593 by Senators Regala, Poulsen, Winsley, B. Sheldon, Fraser and McAuliffe

AN ACT Relating to mitigating the impacts of revenue reductions on local governments; and adding a new section to chapter 36.01 RCW.  
Referred to Committee on State and Local Government.

SB 6594 by Senators Carlson, Costa, Hargrove and Long (by request of Joint Select Committee on the Equitable Distribution of Secure Community Transition Facilities)

AN ACT Relating to the implementation of the recommendations of the joint select committee on the equitable distribution of secure community transition facilities; amending RCW 36.70A.200, 71.09.020, 71.09.285, 71.09.305, 71.09.255, and 36.70A.103; adding a new section to chapter 4.24 RCW; adding new sections to chapter 71.09 RCW; creating a new section; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 6595 by Senator Poulsen (by request of Board for Judicial Administration)

AN ACT Relating to the membership of the commission on judicial conduct; and amending RCW 2.64.020.  
Referred to Committee on Judiciary.

SB 6596 by Senators McCaslin, Brown, Long, Sheahan, Johnson, Kline, Roach and West

AN ACT Relating to the number of district court judges in Spokane county; and amending RCW 3.34.010.  
Referred to Committee on Judiciary.

SB 6597 by Senators Winsley, Gardner, Kohl-Welles, B. Sheldon and Keiser

AN ACT Relating to alternative public works contracting procedures; and amending RCW 39.10.051, 39.10.061, 39.10.067, and 39.10.902.  
Referred to Committee on State and Local Government.

SB 6598 by Senators Kohl-Welles, Horn, Jacobsen, Winsley, Johnson, Prentice, Rossi, Hewitt, Eide, McAuliffe, Rasmussen and Finkbeiner

AN ACT Relating to natural science and wildlife education; adding new sections to chapter 28A.300 RCW; and creating a new section.  
Referred to Committee on Education.

SB 6599 by Senators Fairley and Kohl-Welles

AN ACT Relating to reducing littering of beverage containers by authorizing a redemption program; adding a new chapter to Title 70 RCW; and providing an effective date.  
Referred to Committee on Environment, Energy and Water.

SJR 8225 by Senator Poulsen (by request of Board for Judicial Administration)

Revising the membership of the commission on judicial conduct.

Referred to Committee on Judiciary.

#### MOTION

On motion of Senator Costa, Senate Bill No. 6593 was referred to the Committee on State and Local Government.

#### MOTION

At 12:04 p.m., on motion of Senator Costa, the Senate adjourned until 10:00 a.m., Wednesday, January 23, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

NINTH DAY, JANUARY 22, 2002

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#### TENTH DAY

#### MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 23, 2002

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

The Sergeant at Arms Color Guard, consisting of Pages Lauren Badley and Rachel Fawcett, presented the Colors. Belinda Hill of the Baha'i Assembly in Olympia, offered the prayer.

#### MOTION

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

#### PERSONAL PRIVILEGE

Senator Oke: "A point of personal privilege, Mr. President. If I could have your attention for a minute, Senator Tim Sheldon and I are departing for Bremerton to welcome the USS Carl Vinson this morning. We are doing this on your behalf and our behalf. I want each of you to know that we will be sharing your prayers and your best wishes for those sailors that our coming back. Both Tim and I would appreciate your prayers for us to say what is appropriate. Thank you."

PERSONAL PRIVILEGE

Senator Tim Sheldon: "A point of personal privilege, Mr. President. As Senator Oke mentioned, we have the proud honor of going to Bremerton today to represent the Senate and welcome the sailors and airmen home. I just wanted to give you a little note that the Navy sent us on the milestones of a Naval homecoming and some of the traditions. I have not had an opportunity to see a ship come in and obviously Senator Oke has, having been on many ships that have come in from long cruises. The Navy customarily shows deference to sailors who have had children born during the cruise. Among the first off the ship, the proud fathers are hastened to a special area to be rejoined with the mothers and infants. Another tradition in the Navy, as I understand it, is called the 'first kiss.' This is the lucky sailor—usually chosen at a lottery—and is the first crew member off the ship and they are met by their loved ones at the gang plank. It is going to be very exciting and quite a homecoming for these crewmen that we are so proud of today. Thank you "

PERSONAL PRIVILEGE

Senator Betti Sheldon: "A point of personal privilege, Mr. President. I just wanted to explain to the Senate how I am the token person from the Bremerton area that has to stay here. It is my privilege, of course, to be here with you, my colleagues, but I do hope that Senator Oke and Senator Tim Sheldon will extend to the Bremerton area and the USS Vinson, my heartiest congratulations that they are home. "

PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. I am going to be passing around a letter to General Lowenberg regarding the naming of the armory in Yakima after Nathan Chapman. So, when I come around, I don't need to explain it to you. I just want you to sign it. Thank you."

REPORTS OF STANDING COMMITTEES

January 21, 2002

SB 5506 Prime Sponsor, Senator Jacobsen: Using reinsurance to satisfy the requirements of maintaining a separate reserve fund. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5506 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Franklin, Gardner, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

January 22, 2002

E2SSB 5936 Prime Sponsor, Senate Committee on Ways and Means: Providing funds for housing projects. Reported by Committee on Ways and Means

MAJORITY Recommendation: That the bill be referred to the Committee on Labor, Commerce and Financial Institutions without recommendation. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice-Chair Capital Budget; Fraser, Hewitt, Long, Poulsen, Rossi, Spanel, Thibaudeau and Zarelli.

Referred to Committee on Labor, Commerce and Financial Institutions.

January 21, 2002

SB 6308 Prime Sponsor, Senator Prentice: Modifying certain application methods for unemployment insurance. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen and Winsley.

Passed to Committee on Rules for second reading.

January 21, 2002

SB 6309 Prime Sponsor, Senator Prentice: Correcting rate class 16 in schedule B. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen and Winsley.

Passed to Committee on Rules for second reading.

January 21, 2002

SB 6388 Prime Sponsor, Senator Prentice: Modifying provisions relating to the linked deposit program. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Franklin, Gardner, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton and Hochstatter.

Referred to Committee on Ways and Means.

#### INTRODUCTION AND FIRST READING

SB 6600 by Senator Prentice

AN ACT Relating to authorizing unclassified position appointments in city or town police departments; and adding a new section to chapter 41.12 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6601 by Senators Prentice, Rasmussen, Kohl-Welles, McAuliffe and Hale

AN ACT Relating to allowing a licensed distiller, domestic brewery, microbrewery, or domestic winery to sell liquor at a spirits, beer, and wine restaurant located on contiguous property that is leased by that licensed distiller, domestic brewery, microbrewery, or domestic winery; and amending RCW 66.28.010.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6602 by Senators Costa, Long, Poulsen and Kastama

AN ACT Relating to extortion in the second degree; amending RCW 9A.56.130; and creating a new section.  
Referred to Committee on Judiciary.

SB 6603 by Senators Kastama, Kline and Thibaudeau

AN ACT Relating to hepatitis C; adding a new section to chapter 18.79 RCW; adding a new section to chapter 18.205 RCW; adding a new chapter to Title 70 RCW; and prescribing penalties.  
Referred to Committee on Health and Long-Term Care.

SB 6604 by Senators Kastama and Rasmussen

AN ACT Relating to the definition of "city" for the multiple-unit dwellings property tax exemption; and amending RCW 84.14.010.  
Referred to Committee on State and Local Government.

SB 6605 by Senator Kastama

AN ACT Relating to quality improvement; adding new sections to chapter 41.04 RCW; and creating a new section.  
Referred to Committee on State and Local Government.

SB 6606 by Senators Kastama, Keiser and Honeyford

AN ACT Relating to aggregating value for purposes of determining the degree of theft; and amending RCW 9A.56.010.  
Referred to Committee on Judiciary.

SB 6607 by Senators Thibaudeau, Deccio, McAuliffe and Winsley (by request of Governor Locke)

AN ACT Relating to development of consolidated purchasing and administration of health care services; adding new sections to chapter 41.05 RCW; providing an expiration date; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 6608 by Senators Prentice, Rossi, West, Hale and Winsley

AN ACT Relating to condominium purchases; amending RCW 64.34.100, 64.34.450, and 64.34.452; and adding new sections to chapter 64.34 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6609 by Senators Snyder, Deccio, T. Sheldon, Morton, Rasmussen, Honeyford, Hale and Hargrove

AN ACT Relating to studies conducted by the department of ecology; amending RCW 43.21A.130; and creating a new section.  
Referred to Committee on State and Local Government.

SB 6610 by Senators Zarelli and Kline

AN ACT Relating to compensation for victims of federal crimes; and amending RCW 7.68.020.  
Referred to Committee on Judiciary.

SB 6611 by Senators Prentice, Winsley, Fraser, Fairley, Kohl-Welles, Keiser and Kline

AN ACT Relating to time-loss payments; and adding a new section to chapter 51.32 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6612 by Senators Gardner, Swecker, Keiser, Hale, Fairley, Kline and Fraser

AN ACT Relating to using population projections in determining adequacy of water supply; and amending RCW 43.62.035.  
Referred to Committee on State and Local Government.

SB 6613 by Senators Gardner, Hale, Keiser and Fairley

AN ACT Relating to conditioning the issuance of building permits on connecting to public water systems; and amending RCW 19.27.097.  
Referred to Committee on State and Local Government.

SB 6614 by Senators Benton and Morton

AN ACT Relating to state building codes; amending RCW 19.27.015, 19.27.031, 19.27.040, and 19.27.074; and reenacting and amending RCW 19.27.060.  
Referred to Committee on State and Local Government.

SB 6615 by Senators Regala, Jacobsen, Snyder, Spanel and Swecker (by request of Department of Fish and Wildlife)

AN ACT Relating to providing a fee for hydraulic project approvals; amending RCW 43.135.055; adding a new section to chapter 77.55 RCW; creating a new section; and declaring an emergency.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6616 by Senators Kohl-Welles and Winsley

AN ACT Relating to collection agencies; and reenacting and amending RCW 19.16.100.  
Referred to Committee on Judiciary.

SB 6617 by Senators Jacobsen, Kline, Eide, Kohl-Welles, Regala, Fairley and Keiser

AN ACT Relating to authorizing the financing of regional transportation improvements by counties; amending RCW 81.104.140, 81.104.160, 81.104.170, 82.14.045, 82.14.050, 81.100.030, 81.100.060, 82.80.010, 82.80.020, 82.80.030, 82.80.070, 82.80.080, and 47.56.030; reenacting and amending RCW 43.84.092; adding a new section to chapter 82.14 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.32 RCW; adding a new section to chapter 82.80 RCW; adding new sections to chapter 47.56 RCW; adding a new chapter to Title 36 RCW; creating new sections; and providing a contingent effective date.  
Referred to Committee on Transportation.

SB 6618 by Senators Thibaudeau, Rossi and Kohl-Welles

AN ACT Relating to marketing funds for the state convention and trade center; and amending RCW 67.40.120.

Referred to Committee on State and Local Government.

SB 6619 by Senators Poulsen, Jacobsen, Fraser, Morton, Regala and Kline

AN ACT Relating to the Washington climate and rural energy development center; adding a new chapter to Title 70 RCW; and providing an effective date.  
Referred to Committee on Environment, Energy and Water.

SB 6620 by Senators Gardner, Winsley, Kline and Keiser

AN ACT Relating to local development; adding a new section to chapter 42.17 RCW; and adding a new chapter to Title 43 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6621 by Senators Gardner and Winsley

AN ACT Relating to residential mortgage loans; and adding a new section to chapter 31.04 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6622 by Senators Gardner and Winsley

AN ACT Relating to residential mortgage foreclosure; and adding a new section to chapter 31.04 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6623 by Senators Gardner and Winsley

AN ACT Relating to a task force to study mortgage lending; creating a new section; and providing an expiration date.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6624 by Senators Keiser, Morton, Fraser and Hale (by request of Department of Ecology)

AN ACT Relating to well construction; and amending RCW 18.104.020 and 18.104.055.  
Referred to Committee on Environment, Energy and Water.

SB 6625 by Senators Kohl-Welles, Carlson, Hargrove, Zarelli, Long and Winsley

AN ACT Relating to formalizing the relationship between the department of social and health services and the state school for the deaf; reenacting and amending RCW 74.15.020; and adding a new section to chapter 74.15 RCW.  
Referred to Committee on Human Services and Corrections.

SB 6626 by Senators Kohl-Welles, Carlson, Shin, Jacobsen, Parlette, Horn, B. Sheldon and McAuliffe

AN ACT Relating to a study of the role, mission, and structure of branch campuses by the Washington state institute for public policy; and creating a new section.  
Referred to Committee on Higher Education.

SB 6627 by Senators Costa, Long, Hargrove, Kline, Kohl-Welles and Winsley

AN ACT Relating to community service; amending RCW 7.80.130, 7.80.160, 7.84.110, 7.84.130, 9.94A.505, 9.94A.589, 9.94A.634, 9.94A.650, 9.94A.660, 9.94A.670, 9.94A.680, 9.94A.700, 9.94A.720, 9.94A.737, 9.94A.850, 9.95.435, 10.98.040, 13.40.020, 13.40.0357, 13.40.080, 13.40.160, 13.40.165, 13.40.180, 13.40.200, 13.40.205, 13.40.250, 35.21.209, 35A.21.220, 36.16.139, 46.16.381, 46.20.031, 46.30.020, 46.63.110, 46.63.120, 46.64.055, 51.12.035, 51.12.045, 66.20.200, 66.44.291, 66.44.325, 69.50.425, 70.93.060, 70.155.080, 72.09.060, 72.09.100, 72.09.260, and 79A.05.050; amending 1990 c 66 s 1 (uncodified); reenacting and amending RCW 9.94A.030, 13.40.210, 28A.225.090, and 70.93.250; and providing an effective date.  
Referred to Committee on Human Services and Corrections.

SB 6628 by Senators Kohl-Welles, Sheahan and Jacobsen (by request of University of Washington)

AN ACT Relating to probationary periods of campus police officer appointees; and amending RCW 41.06.150.  
Referred to Committee on Higher Education.

SB 6629 by Senators Sheahan, T. Sheldon, Jacobsen, Oke, Hargrove, Swecker, Rasmussen, Honeyford, Shin and Winsley

AN ACT Relating to a family law handbook; amending RCW 2.56.030; adding a new section to chapter 2.56 RCW; and creating a new section.  
Referred to Committee on Human Services and Corrections.

SB 6630 by Senators Prentice, Honeyford, Rasmussen and Sheahan

AN ACT Relating to certification of electricians; and amending RCW 19.28.006, 19.28.041, 19.28.051, 19.28.061, 19.28.161, 19.28.191, 19.28.201, 19.28.211, and 19.28.241.41.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6631 by Senators Rasmussen, Honeyford, Prentice and Sheahan

AN ACT Relating to electrical licensing certification; and adding a new section to chapter 19.28 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6632 by Senators Prentice, Hochstatter, Keiser, Honeyford, Franklin, Gardner, Regala, Benton, Rasmussen, Kline, Fraser, Carlson, Parlette, Kohl-Welles and Roach

AN ACT Relating to international trade; adding a new chapter to Title 44 RCW; and declaring an emergency.  
Referred to Committee on Agriculture and International Trade.

SB 6633 by Senators Hargrove, Carlson and Parlette

AN ACT Relating to mobile/manufactured home alterations; and amending RCW 43.22.360.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6634 by Senators Hargrove, Kline and Franklin

AN ACT Relating to direct supervision of offenders by all department of corrections employees; amending RCW 72.09.210; and reenacting and amending RCW 72.09.050.  
Referred to Committee on Human Services and Corrections.

SB 6635 by Senators Kastama, Kline and Rasmussen

AN ACT Relating to a notice and appeal process for animal control authorities; amending RCW 4.24.410, 16.08.070, 16.08.080, and 16.08.100; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 6636 by Senators Kastama, Costa, Fairley, Kohl-Welles and McAuliffe

AN ACT Relating to a sales and use tax for criminal justice and public safety; and adding a new section to chapter 82.14 RCW.  
Referred to Committee on State and Local Government.

SB 6637 by Senators Kline, Gardner, Fairley, Keiser, Costa and Kohl-Welles

AN ACT Relating to financial disclosure by ballot measure sponsors; and amending RCW 42.17.240.  
Referred to Committee on State and Local Government.

SB 6638 by Senators Stevens, Rossi, Morton, Sheahan, Benton, Deccio, Hochstatter, Horn, Swecker and Hale

AN ACT Relating to the payment of wages to tipped employees; and amending RCW 49.46.010 and 49.46.020.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6639 by Senator Rasmussen (by request of Department of Agriculture)

AN ACT Relating to regulating commodity boards and commissions; amending RCW 15.65.020, 15.65.040, 15.65.050, 15.65.060, 15.65.070, 15.65.090, 15.65.120, 15.65.170, 15.65.180, 15.65.200, 15.65.220, 15.65.230, 15.65.235, 15.65.240, 15.65.250, 15.65.260, 15.65.270, 15.65.280, 15.65.375, 15.65.380, 15.65.430, 15.65.450, 15.65.570, 15.66.010, 15.66.030, 15.66.050, 15.66.060, 15.66.070, 15.66.090, 15.66.110, 15.66.120, 15.66.130, 15.66.140, 15.66.180, 15.66.185, 15.66.245, 15.66.260, 42.17.31907, 16.67.030, 16.67.070, 16.67.090, 16.67.120, 16.67.122, 15.44.010, 15.44.020, 15.44.035, 15.44.038, 15.44.060, 15.44.070, 15.44.080, 15.44.085, 15.44.110, 15.44.140, 15.44.150, 15.28.010, 15.28.020, 15.28.110, 15.28.130, 15.28.250, and 15.88.050; adding new sections to chapter 15.65 RCW; adding new sections to chapter 15.66 RCW; adding new sections to chapter 15.26 RCW; adding new

sections to chapter 15.28 RCW; adding new sections to chapter 15.44 RCW; adding new sections to chapter 15.88 RCW; adding new sections to chapter 16.67 RCW; adding a new section to chapter 15.24 RCW; adding new sections to chapter 43.23 RCW; repealing RCW 15.65.030, 15.65.080, 15.65.460, 15.65.405, 15.66.020, 16.67.020, 15.44.037, 15.44.900, and 15.28.900; prescribing penalties; and providing an effective date.  
Referred to Committee on Agriculture and International Trade.

SB 6640 by Senators Rasmussen, Swecker, Snyder, Jacobsen, Franklin, Kohl-Welles, Winsley and Roach

AN ACT Relating to classifying members of the Washington national guard as resident students; amending RCW 28B.15.012; reenacting and amending RCW 28B.15.012 and 28B.101.040; providing an effective date; and providing an expiration date.  
Referred to Committee on Higher Education.

SB 6641 by Senators McAuliffe and Thibaudeau

AN ACT Relating to accommodating children with diabetes in schools; amending RCW 18.71.030; adding a new section to chapter 28A.210 RCW; and providing an effective date.  
Referred to Committee on Health and Long-Term Care.

SB 6642 by Senators Prentice, Fairley and Jacobsen

AN ACT Relating to the regulation of negotiations between health providers and health carriers; amending RCW 43.72.300 and 43.72.310; adding a new section to chapter 43.72 RCW; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 6643 by Senators Keiser, Prentice, Kastama, Winsley, Costa, Benton, Fairley, Roach, Zarelli, Kline, Rasmussen, Kohl-Welles and Hale

AN ACT Relating to occupational diseases affecting fire fighters; amending RCW 51.32.185; and creating a new section.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SJM 8034 by Senators Costa, Long, Hargrove, Kastama, Kline and Winsley

Requesting that the Supreme Court enter into compacts with the Tribal nations concerning criminal justice information.

Referred to Committee on Judiciary.

#### PERSONAL PRIVILEGE

Senator West: "A point of personal privilege Mr. President. I would like to tell the Senate that outside on the steps is a Volks Wagon Bug that is being operated by Bio-Diesel. It is a diesel fuel created with mustard seed oil; it is a new technology and comes from the Spokane County Conservation District. If you get a chance, I would like to have you all go out and take a look at it. They also have a display at the entrance to the Capitol. It is a fascinating new technology that will allow us in Eastern Washington to grow an oil system that we could actually use for pollution problems and also help our economy. So, take the opportunity to go visit these displays."

#### MOTION

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

#### SENATE RESOLUTION 8724

**By Senators West, Hewitt, Sheahan, McCaslin, Morton, Brown, Sheldon, B. and Johnson**

**WHEREAS, There are two hundred local Chambers of Commerce in the state of Washington representing approximately 54,000 small businesses which, in turn, employ over 2.8 million citizens; and**

**WHEREAS, Washington State Chambers raise over twenty-five million dollars annually for local community enrichment projects, involving more than fourteen thousand volunteers who give generously of their time and talent; and**

**WHEREAS, Washington State Chambers managed in excess of three million visitor and relocation inquiries last year, and, at the same time served over 30,000 businesses seeking information about locating their companies in our state; and**

**WHEREAS, During 2001, approximately two hundred fifty new businesses opened their doors in**

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***WHEREAS, Chambers of Commerce across Washington State have served their local communities with distinction, dedication, and dignity, enhancing the state's economy and improving the quality of life for its citizens;***

***NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate officially recognize the invaluable work local Chambers of Commerce provide both the economy and the citizens of this state; and***

***BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the U.S. Chamber of Commerce in Washington D.C., by the Secretary of the Senate.***

Senators West, Betti Sheldon, Hewitt, Carlson and Hale spoke to Senate Resolution 8724.

## INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Executive Directors and members of the Chambers of Commerce from around the state, who were seated in the gallery.

### MOTION

On motion of Senator Honeyford, Senator Oke was excused.

### MOTION

On motion of Senator Eide, Senator Tim Sheldon was excused.

## PERSONAL PRIVILEGE

Senator Carlson: "A point of personal privilege, Mr. President. Mr. President, in the Rotunda on the third floor, there are a series of excellent displays of art consisting of glass blown materials. They are representative, as you pointed out earlier, of Firehouse Number 12 in Vancouver. I hope the Senators will have the opportunity to enjoy this excellent display and I appreciate your acknowledgment of this group, who are now in the South Gallery."

### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 5488, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Benton, T. Sheldon and Winsley)

Changing provisions relating to special license plates.

## MOTIONS

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5488 was returned to second reading and read the second time.

On motion of Senator Haugen, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature recognizes that good language skills are essential for productive adults and that public schools in the state of Washington provide trained speech pathologists to assist children who lack adequate verbal communication skills to compete successfully in the challenges of securing an education. It recognizes that the task of teaching students to speak well is a formidable one and sees shrinking public funding as an obstacle in providing sufficient professional staff to realize that goal. It further recognizes that professionally trained and nationally certified speech pathologists are provided at no cost by nonprofit charitable organizations to preschool and school-age children. To aid the public schools in teaching essential speech skills, a "Help Kids Speak" license plate is established.

**NEW SECTION. Sec. 2.** A new section is added to chapter 46.04 RCW to read as follows:

"Help Kids Speak license plates" means license plates that display a symbol of a nonprofit, charitable organization that provides no-fee nationally certified speech pathologists to teach youngsters to speak.

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.16 RCW to read as follows:

In cooperation with the Washington state patrol and the department of licensing, the sponsors of the "Help Kids Speak" program shall create and design, and the department shall issue, a special license plate displaying a symbol of a nonprofit charitable organization and the words "Help Kids Speak" that may be used in lieu of regular or personalized license plates for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates will commemorate the "Help Kids Speak" organization.

**Sec. 4.** RCW 46.16.313 and 1997 c 291 s 8 are each amended to read as follows:

(1) The department may establish a fee for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. ~~((Until December 31, 1997,))~~ The fee shall not exceed ~~((thirty-five dollars, but effective with vehicle registrations due or to become due on January 1, 1998, the department may adjust the fee to no more than))~~ forty dollars. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) ~~((Until December 31, 1997, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.))~~

~~((3) Effective with vehicle registrations due or to become due on January 1, 1998,))~~ In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

~~((4))~~ (3) Effective with annual renewals due or to become due on January 1, 1999, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

~~((5))~~ (4) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

~~((6))~~ (5) Effective with annual renewals due or to become due on January 1, 1999, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(6) Effective with vehicle registrations due or to become due on January 1, 2003, in addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a "Help Kids Speak" license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the proceeds to the "Help Kids Speak" license plate account established under section 5 of this act.

(7) Effective with annual renewals due or to become due on January 1, 2004, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a "Help Kids Speak" license plate shall, upon application, pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the "Help Kids Speak" license plate account established under section 5 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The "Help Kids Speak" program is created. The purpose of the program is to provide grants to nonprofit, charitable organizations, incorporated under the laws of the state of Washington that do not discriminate in any way, and that provide nationally certified speech pathologists on a no-fee basis to youngsters, regardless of their economic status, whether enrolled in a public, private, or home school, of preschool or school age, and who have displayed a lack of verbal communication skills; including in the grant application a finding that there is, on staff of the nonprofit, charitable organization, nationally certified speech pathologists trained in the techniques of teaching youngsters essential communication skills. The superintendent of public instruction shall administer the grant program.

(2) The "Help Kids Speak" license plate account is established in the custody of the state treasurer. All receipts, except as provided in RCW 46.16.313 (6) and (7), from "Help Kids Speak" license plates must be deposited into the account. Expenditures from the account may be used only to fund the grant program under subsection (1) of this section. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account. The account is not subject to allotment procedures under chapter 43.88 RCW, and no appropriation is required for expenditures.

Sec. 6. RCW 46.16.305 and 1997 c 291 s 6 and 1997 c 241 s 10 are each reenacted and amended to read as follows:

The department shall continue to issue the categories of special plates issued by the department under the sections repealed under section 12 (1) through (7), chapter 250, Laws of 1990. Special license plates issued under those repealed sections before January 1, 1991, are valid to the extent and under the conditions provided in those repealed sections. The following conditions, limitations, or requirements apply to certain special license plates issued after January 1, 1991:

(1) A horseless carriage plate and a plate or plates issued for collectors' vehicles more than thirty years old, upon payment of the initial fees required by law and the additional special license plate fee established by the department, are valid for the life of the vehicle for which application is approved by the department. When a single plate is issued, it shall be displayed on the rear of the vehicle.

(2) The department may issue special license plates denoting amateur radio operator status only to persons having a valid official radio operator license issued by the federal communications commission.

(3) The department shall issue one set of special license plates to each resident of this state who has been awarded the Congressional Medal of Honor for use on a passenger vehicle registered to that person. The department shall issue the plate without the payment of licensing fees and motor vehicle excise tax.

(4) The department may issue for use on only one motor vehicle owned by the qualified applicant special license plates denoting that the recipient of the plate is a survivor of the attack on Pearl Harbor on December 7, 1941, to persons meeting all of the following criteria:

- (a) Is a resident of this state;
- (b) Was a member of the United States Armed Forces on December 7, 1941;
- (c) Was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;
- (d) Received an honorable discharge from the United States Armed Forces; and
- (e) Is certified by a Washington state chapter of the Pearl Harbor survivors association as satisfying the qualifications in (c) of this subsection.

The department may issue such plates to the surviving spouse of any deceased Pearl Harbor survivor who met the requirements of this subsection. If the surviving spouse remarries, he or she shall return the special plates to the department within fifteen days and apply for regular plates. The surviving spouse must be a resident of this state.

The department shall issue these plates upon payment by the applicant of all other license fees, but the department may not set or charge an additional fee for these special license plates.

(5)(a) The department shall issue one set of special license plates to each resident of this state who has been awarded the law enforcement medal of honor under chapter 41.72 RCW for use on a passenger vehicle registered to that person.

(b) The department may issue these plates to the surviving spouse of any person awarded the law enforcement medal of honor posthumously. If the surviving spouse remarries, he or she shall return the special plates to the department within fifteen days and apply for regular plates. The surviving spouse must be a resident of this state.

(6) The department shall replace, free of charge, special license plates issued under subsections (3) and (4) of this section if they are lost, stolen, damaged, defaced, or destroyed. Such plates shall remain with the persons upon transfer or other disposition of the vehicle for which they were initially issued, and may be used on another vehicle registered to the recipient in accordance with the provisions of RCW 46.16.316(1)."

## MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On line 1 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 46.16.313; reenacting and amending RCW 46.16.305; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.16 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5488 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5488.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5488 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Poulsen, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senator Regala - 1.

Excused: Senators Oke and Sheldon, T. - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## THIRD READING

SENATE BILL NO. 5138, by Senators Morton, Hochstatter, Benton, Oke, Stevens, McCaslin, Honeyford, Swecker, Sheahan, Johnson, Zarelli, Hale and Rossi

Increasing the weight of vehicles exempted from scale stops.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5138.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5138 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Voting nay: Senators Fraser and Thibaudeau - 2.

Excused: Senators Oke and Sheldon, T. - 2.

SENATE BILL NO. 5138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 5166, by Senate Committee on Higher Education (originally sponsored by Senators Kohl-Welles, Carlson, Horn, Shin, Jacobsen and McAuliffe)

Allowing state financial aid to be used at Washington branch campuses of accredited out-of-state institutions of higher education.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5166.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5166 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Oke and Sheldon, T. - 2.

SUBSTITUTE SENATE BILL NO. 5166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5552, by Senate Committee on Higher Education (originally sponsored by Senators Carlson, Kohl-Welles, Hale, B. Sheldon, Hewitt, Sheahan, Shin, Zarelli, Parlette and Horn)

Expanding border county higher education opportunities.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5552.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5552 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Oke and Sheldon, T. - 2.

SUBSTITUTE SENATE BILL NO. 5552, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 5188, by Senator McCaslin

Providing an alternative manner of dispersing surplus political funds.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5188.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5188 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Oke and Sheldon, T. - 2.

SENATE BILL NO. 5188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senator Prentice was excused.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5207, by Senate Committee on Human Services and Corrections (originally sponsored by Senators Hargrove, Franklin and Kohl-Welles)

Regulating DNA testing.

## MOTIONS

On motion of Senator Hargrove, the rules were suspended, Substitute Senate Bill No. 5207 was returned to second reading and read the second time.

On motion of Senator Hargrove, the following striking amendment by Senators Hargrove and Long was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.02.010 and 1993 c 448 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires:

(1) "Audit" means an assessment, evaluation, determination, or investigation of a health care provider by a person not employed by or affiliated with the provider to determine compliance with:

- (a) Statutory, regulatory, fiscal, medical, or scientific standards;
- (b) A private or public program of payments to a health care provider; or
- (c) Requirements for licensing, accreditation, or certification.

(2) "Directory information" means information disclosing the presence, and for the purpose of identification, the name, residence, sex, and the general health condition of a particular patient who is a patient in a health care facility or who is currently receiving emergency health care in a health care facility.

(3) "General health condition" means the patient's health status described in terms of "critical," "poor," "fair," "good," "excellent," or terms denoting similar conditions.

(4) "Health care" means any care, service, or procedure provided by a health care provider:

- (a) To diagnose, treat, or maintain a patient's physical or mental condition; or
- (b) That affects the structure or any function of the human body.

(5) "Health care facility" means a hospital, clinic, nursing home, laboratory, office, or similar place where a health care provider provides health care to patients.

(6) "Health care information" means any information, whether oral or recorded in any form or medium, that identifies or can readily be associated with the identity of a patient and directly relates to the patient's health care. The term includes any record of disclosures of health care information. The term

includes genetic test information from a person's isolated DNA and a person's DNA when obtained at the request of a health care provider or health care facility.

(7) "Health care provider" means a person who is licensed, certified, registered, or otherwise authorized by the law of this state to provide health care in the ordinary course of business or practice of a profession.

(8) "Institutional review board" means any board, committee, or other group formally designated by an institution, or authorized under federal or state law, to review, approve the initiation of, or conduct periodic review of research programs to assure the protection of the rights and welfare of human research subjects.

(9) "Maintain," as related to health care information, means to hold, possess, preserve, retain, store, or control that information.

(10) "Patient" means an individual who receives or has received health care. The term includes a deceased individual who has received health care.

(11) "Person" means an individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(12) "Reasonable fee" means the charges for duplicating or searching the record, but shall not exceed sixty-five cents per page for the first thirty pages and fifty cents per page for all other pages. In addition, a clerical fee for searching and handling may be charged not to exceed fifteen dollars. These amounts shall be adjusted biennially in accordance with changes in the consumer price index, all consumers, for Seattle-Tacoma metropolitan statistical area as determined by the secretary of health. However, where editing of records by a health care provider is required by statute and is done by the provider personally, the fee may be the usual and customary charge for a basic office visit.

(13) "Third-party payor" means an insurer regulated under Title 48 RCW authorized to transact business in this state or other jurisdiction, including a health care service contractor, and health maintenance organization; or an employee welfare benefit plan; or a state or federal health benefit program.

NEW SECTION. Sec. 2. The legislature finds that:

(1) The technology of deoxyribonucleic acid (DNA) identification is of great potential benefit to the citizens of this state in many fields, including human services and health care, scientific research, criminal justice, and corrections;

(2) Technology is changing and improving at an ever-increasing rate;

(3) DNA technology is particularly important in assisting law enforcement in identifying and apprehending repeat criminal offenders as well as exonerating those people convicted and incarcerated for a crime they did not commit;

(4) There are legitimate concerns for privacy rights in the creation, collection, maintenance, disclosure, identification, and use of DNA;

(5) Protections of citizens' civil rights and individual privileges necessitate policy development of protections preventing the unauthorized use of DNA and the use of DNA for discriminatory purposes; and

(6) There is a need to address the potential future uses of DNA that may benefit citizens of this state, for purposes of the health, safety, and welfare of its citizens.

NEW SECTION. Sec. 3. A DNA commission is established to consist of twenty-eight members selected as follows:

(1)(a) Two members of the senate, appointed by the president of the senate, one from each of the two largest caucuses; and

(b) Two members of the house of representatives, appointed by the co-speakers of the house of representatives, one from each of the two largest caucuses;

(2) The following members shall be appointed by the governor:

- (a) Two members representing local public health;
- (b) One member representing genetic counselors;
- (c) One member representing clinical research;
- (d) One member representing epidemiological research;
- (e) One member representing the Human Genome project;
- (f) One member representing genetic ethics;
- (g) One member representing institutional review boards;
- (h) Two members representing geneticists, one clinical and one research;
- (i) One member representing research institutions;
- (j) One member representing civil rights advocates;
- (k) Two members representing criminal justice and corrections;

- (l) Two members representing privacy advocates;
- (m) One member representing citizens who have undergone genetic testing;
- (n) One member representing hospitals;
- (o) One member representing pathologists or laboratory medicine;
- (p) One member representing the biotechnology industry;
- (q) One member representing the judiciary;
- (r) One member representing the state crime laboratory;
- (s) One member representing a rural health care provider; and
- (t) One member representing a primary care physician.

The commission shall be appointed within forty-five days from the effective date of this act. Staffing shall be provided by the legislature. Members shall serve without remuneration, except costs may be provided according to the provisions of RCW 43.03.050 and 43.03.060.

**NEW SECTION. Sec. 4.** The DNA commission shall:

- (1) Develop a statewide strategy for evaluating and recommending public policies relating to the use of DNA;
- (2) Conduct a survey and produce a resource guide for citizens relating to the use of DNA;
- (3) Evaluate methods for protecting an individual's privacy interests in his or her DNA;
- (4) Analyze the incidence of discriminatory actions statewide based upon genetic information;
- (5) Develop recommendations relative to civil rights' protections as they relate to genetic information;
- (6) Analyze available remedies to compensate individuals for the inappropriate use of their genetic information;
- (7) Identify appropriate disincentives to improper use of DNA;
- (8) Identify incentives for further research and development in the area of DNA that promotes public health, safety, and welfare;

and

(9) An initial report of its findings and recommendations shall be provided to the appropriate committees of the legislature by July 1, 2003.

**NEW SECTION. Sec. 5.** The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2008:

- (1) Section 2 of this act;
- (2) Section 3 of this act; and
- (3) Section 4 of this act.

**Sec. 6.** RCW 70.83.050 and 1967 c 82 s 5 are each amended to read as follows:

The state board of health shall adopt rules and regulations necessary to carry out the intent of this chapter. Rules adopted by the state board of health must protect an individual's confidentiality of his or her genetic information obtained under this chapter.

**NEW SECTION. Sec. 7.** Sections 2 through 5 of this act constitute a new chapter in Title 70 RCW."

#### MOTIONS

On motion of Senator Hargrove, the following title amendment was adopted:

On page 1, line 2 of the title, after "information;" strike the remainder of the title and insert "amending RCW 70.02.010 and 70.83.050; and adding a new chapter to Title 70 RCW."

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 5207 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5207.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5207 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Poulsen, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Oke, Prentice and Sheldon, T. - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5283, by Senate Committee on Human Services and Corrections (originally sponsored by Senators Franklin and Kohl-Welles)

Prohibiting discriminatory use of DNA in employment matters.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5283.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5283 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Poulsen, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Oke, Prentice and Sheldon, T. - 3.

SUBSTITUTE SENATE BILL NO. 5283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

January 23, 2002

MR. PRESIDENT:

The House has passed HOUSE JOINT MEMORIAL NO. 4017, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

#### MOTION

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HJM 4017 by Representatives Haigh, Conway, Talcott, Schmidt, Carrell and Simpson

Opposing federalization of the National Guard.

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Joint Memorial No. 4017 was advanced to second reading and read the second time.

#### MOTION

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

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Joint Memorial No. 4017 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

#### MOTION

On motion of Senator Betti Sheldon, further consideration of House Joint Memorial No. 4017 was deferred.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 6037, by Senate Committee on Agriculture and International Trade (originally sponsored by Senators Prentice, Kohl-Welles and Parlette)

Authorizing animal care and control agencies and nonprofit humane societies to provide limited veterinarian services.

The bill was read the third time and placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6037.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6037 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Poulsen, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Oke, Prentice and Sheldon, T. - 3.

SUBSTITUTE SENATE BILL NO. 6037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5543, by Senate Committee on Education (originally sponsored by Senators Kastama, McAuliffe, Eide, Regala, Rasmussen, Thibaudeau, Costa, Kohl-Welles and Winsley (by request of Governor Locke and Superintendent of Public Instruction Bergeson)

Improving student safety.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5543.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5543 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Poulsen, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Oke, Prentice and Sheldon, T. - 3.

SUBSTITUTE SENATE BILL NO. 5543, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

There being no objection, the Senate resumed consideration of House Joint Memorial No. 4017, deferred on third reading earlier today.

Debate ensued.

#### MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4017.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4017 and the joint memorial passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senator Finkbeiner - 1.

Excused: Senators Deccio, Oke and Sheldon, T. - 3.

HOUSE JOINT MEMORIAL NO. 4017, having received the constitutional majority, was declared passed.

#### MOTION

At 11:27 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:55 a.m. by President Owen.

MOTION

On motion of Senator Kastama, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

January 23, 2002

MR. PRESIDENT:

The Speaker has signed HOUSE JOINT MEMORIAL NO. 4017, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE JOINT MEMORIAL NO. 4017.

MOTION

At 11:56 a.m., on motion of Senator Kastama, the Senate adjourned until 12:00 noon, Thursday, January 24, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TENTH DAY, JANUARY 23, 2002

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

**ELEVENTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, January 24, 2002

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

MOTION

On motion of Senator Betti Sheldon, and pursuant to Rule 46, the Committee on Labor, Commerce and Financial Institutions was granted permission to meet during session.

EDITOR'S NOTE: Senate Rule 46 states: 'No committee shall sit during the daily session of the senate unless by special leave.'

STANDING COMMITTEE REPORTS

January 23, 2002

SB 5823 Prime Sponsor, Senator McAuliffe: Repealing student improvement goals. Reported by Committee on Education

**MAJORITY Recommendation:** That Substitute Senate Bill No. 5823 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

January 23, 2002

ESSB 6140 Prime Sponsor, Senate Committee on Transportation: Authorizing creation of regional transportation investment districts. Reported by Committee on Transportation

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6140 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Johnson, Kastama, Keiser, McAuliffe, McDonald, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

January 23, 2002

SB 6258 Prime Sponsor, Senator Jacobsen: Modifying provisions concerning Class IV forest practices. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; McDonald, Morton, Oke, Spanel and Stevens.

Passed to Committee on Rules for second reading.

January 23, 2002

SB 6259 Prime Sponsor, Senator Jacobsen: Allowing for the installation of recreational docks and mooring buoys by residential owners abutting state-owned aquatic lands. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; McDonald, Morton, Oke, Spanel and Stevens.

Passed to Committee on Rules for second reading.

January 22, 2002

SB 6319 Prime Sponsor, Senator Fraser: Changing numbering, placement, and division of subsections in two sections of the water code. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, Keiser, McDonald and Morton.

Passed to Committee on Rules for second reading.

January 23, 2002

SB 6532 Prime Sponsor, Senator Prentice: Requiring business subsidy disclosure. Reported by Committee on State and Local Government

MAJORITY Recommendation: That the bill be referred to Committee on Labor, Commerce and Financial Institutions without recommendation. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser, Kline, McCaslin, T. Sheldon and Swecker.

Referred to Committee on Labor, Commerce and Financial Institutions.

January 22, 2002

SJM 8026 Prime Sponsor, Senator Fraser: Requesting increased borrowing authority for the Bonneville Power Administration. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8026 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, Keiser, McDonald and Morton.

Passed to Committee on Rules for second reading.

January 23, 2002

ESHB 2304 Prime Sponsor, House Committee on Transportation: Adopting certain recommendations of the state Blue Ribbon Commission on Transportation. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE  
GUBERNATORIAL APPOINTMENT

January 23, 2002

GA 9198 HOWARD GRANGER, appointed November 1, 2001, for a term ending October 1, 2004, as a member of the Small Business Export Finance Assistance Center Board of Directors.  
Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder, Spanel and Swecker.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 23, 2002

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1166,  
SUBSTITUTE HOUSE BILL NO. 1521,  
SUBSTITUTE HOUSE BILL NO. 2169,  
HOUSE JOINT MEMORIAL NO. 4016, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6644 by Senators Hochstatter, Swecker, Stevens, Honeyford, Morton, Hewitt, Sheahan, Deccio, Prentice, Gardner and Oke

AN ACT Relating to tax credits against the business and occupation tax for employment of persons in the WorkFirst program; and adding a new section to chapter 82.04 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6645 by Senators Hochstatter, Swecker, Carlson, Stevens and Roach

AN ACT Relating to providing for the immediate eviction of a tenant who is involved in criminal actions or unlawful civil disruptions; adding a new section to chapter 59.18 RCW; and creating a new section.  
Referred to Committee on Judiciary.

SB 6646 by Senators Prentice, Hochstatter and Stevens

AN ACT Relating to limiting expanded postretirement employment hiring in the public employees' retirement system and the teachers' retirement system to jobs with fewer than four nonretired applicants; amending RCW 41.40.037; reenacting and amending RCW 41.32.570; and repealing 2001 2nd sp.s. c 10 s 12.  
Referred to Committee on Ways and Means.

SB 6647 by Senators Eide, Horn, Benton, T. Sheldon, Swecker, Haugen and B. Sheldon

AN ACT Relating to department of licensing agents or subagents; and amending RCW 46.12.070, 46.80.090, and 46.55.100.  
Referred to Committee on Transportation.

SB 6648 by Senator Hargrove

AN ACT Relating to the improved early coordination of services between the department of social and health services and public safety agencies when allegations of criminal mistreatment are made; creating new sections; and providing an expiration date.  
Referred to Committee on Human Services and Corrections.

SB 6649 by Senators Haugen, Gardner, Jacobsen, Carlson and Winsley

AN ACT Relating to local transportation by authorizing the establishment of municipal street utilities to maintain streets and providing local options for funding local transportation; amending RCW 82.80.020 and 82.80.010; adding new sections to chapter 35.77 RCW; creating a new section; repealing RCW 82.80.040, 82.80.050, and 82.80.060; and providing an effective date.  
Referred to Committee on Transportation.

SB 6650 by Senators Shin, Sheahan, Long, McAuliffe, Eide, Keiser, Benton, Oke and Rasmussen

AN ACT Relating to classroom remembrances of the September 11, 2001, terrorist attacks; and adding a new section to chapter 28A.320 RCW.  
Referred to Committee on Education.

SB 6651 by Senators T. Sheldon, Stevens, McCaslin and Hochstatter

AN ACT Relating to extending a tax credit for persons engaged in a rural county in the business of providing information technology help desk services to third parties; amending RCW 82.04.4457; and providing an expiration date.  
Referred to Committee on Economic Development and Telecommunications.

SB 6652 by Senators Prentice and Haugen

AN ACT Relating to cosmetology, barbering, manicuring, and esthetics; amending RCW 18.16.010, 18.16.020, 18.16.030, 18.16.060, 18.16.090, 18.16.100, 18.16.110, 18.16.140, 18.16.170, 18.16.175, 18.16.200, 18.16.210, 18.16.240, and 18.16.900; reenacting and amending RCW 18.16.050; adding new sections to chapter 18.16 RCW; prescribing penalties; and providing an effective date.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6653 by Senators Thibaudeau, Parlette and Kohl-Welles

AN ACT Relating to information required to appear on a prescription label; and amending RCW 18.64.246.  
Referred to Committee on Health and Long-Term Care.

SB 6654 by Senators Kastama and Rasmussen

AN ACT Relating to homeland security; adding a new section to chapter 38.52 RCW; creating a new section; making an appropriation; and declaring an emergency.  
Referred to Committee on State and Local Government.

SB 6655 by Senators Snyder, West and Gardner (by request of Secretary of State Reed)

AN ACT Relating to the primary election process; and creating a new section.  
Referred to Committee on State and Local Government.

SB 6656 by Senators Fairley, Kohl-Welles, Keiser and Thibaudeau

AN ACT Relating to unemployment compensation payable to individuals who took family and medical leave; amending RCW 50.04.020; adding a new section to chapter 50.04 RCW; creating new sections; and providing an effective date.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6657 by Senators Fraser, Hale, Regala, Jacobsen and Keiser

AN ACT Relating to determining the appeals period for certain environmental appeals; amending RCW 43.21B.190, 43.21B.230, and 43.21B.300; and reenacting and amending RCW 43.21B.310.  
Referred to Committee on Environment, Energy and Water.

SB 6658 by Senators Poulsen, Hale, Regala, Morton, Fraser, Keiser and Rasmussen

AN ACT Relating to clarifying the types of energy conservation projects a public utility may assist its customers in financing; amending RCW 35.92.360 and 54.16.280; and creating a new section.  
Referred to Committee on Environment, Energy and Water.

SB 6659 by Senators Haugen, Jacobsen and Fairley (by request of Governor Locke)

AN ACT Relating to transportation financing; amending RCW 46.16.0621, 46.16.070, 46.68.035, 46.16.071, 82.08.020, 82.12.020, 82.12.045, 82.38.030, 82.38.035, 82.38.045, 82.38.047, and 82.38.075; reenacting and amending RCW 46.68.090 and 82.36.025; adding a new section to chapter 46.04 RCW; and providing an effective date.  
Referred to Committee on Transportation.

SB 6660 by Senators Prentice, Long, Kastama, Rossi, McAuliffe, McDonald, Costa, Hale, Keiser, Gardner, Oke and Rasmussen

AN ACT Relating to protection of personal information about law enforcement officers and their families; and reenacting and amending RCW 42.17.310.  
Referred to Committee on State and Local Government.

SB 6661 by Senator Spanel

AN ACT Relating to increasing the number of port commissioner districts when a port commission has five commissioners; and amending RCW 53.12.010.  
Referred to Committee on State and Local Government.

SB 6662 by Senator McAuliffe (by request of State Board of Education)

AN ACT Relating to balanced student achievement calendar planning grants; creating a new section; making an appropriation; and providing an expiration date.  
Referred to Committee on Education.

SB 6663 by Senators Roach, Haugen, Shin, Kohl-Welles, Stevens, McDonald, Parlette, Prentice, Jacobsen, Honeyford and Gardner

AN ACT Relating to vehicle impoundment; and amending RCW 46.55.110.  
Referred to Committee on Transportation.

SB 6664 by Senators Costa and Hargrove

AN ACT Relating to the department of corrections' authority to require offenders eligible for release to community custody status in lieu of earned release to propose a release plan that complies with the department's program for placing offenders in the community in lieu of early release; amending RCW 9.94A.728; creating new sections; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 6665 by Senators Johnson and Keiser

AN ACT Relating to state route 167; and creating a new section.  
Referred to Committee on Transportation.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1166 by House Committee on Natural Resources (originally sponsored by Representatives Rockefeller, Buck, Doumit, Pennington and Edwards) (by request of Salmon Recovery Funding Board)

Allowing state agencies to sponsor salmon recovery projects.

Referred to Committee on Natural Resources, Parks and Shorelines.

SHB 1521 by House Committee on Local Government and Housing (originally sponsored by Representatives Simpson, Mulliken, Dunshee, Mielke and Haigh)

Authorizing the state treasurer to distribute interest from the local leasehold excise tax account.

Referred to Committee on State and Local Government.

SHB 2169 by House Committee on Local Government and Housing (originally sponsored by Representative Alexander)

Issuing warrants by fire districts.

Referred to Committee on State and Local Government.

HJM 4016 by Representatives Morris, Crouse, Ogden, Linville and Jackley

Requesting increased borrowing authority for the Bonneville Power Administration.

Referred to Committee on Environment, Energy and Water.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Friday, January 25, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

ELEVENTH DAY, JANUARY 24, 2002

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**TWELFTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, January 25, 2002

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

The Washington State Air National Honor Guard, consisting of Master Sergeant Stephen Nolan, Master Sergeant Shane Schwendiman, Master Sergeant Wayne Weatherly and Senior Sergeant Chuck Warlow, presented the Colors. Chaplain Christopher Lensch, from the Washington State Air National Guard, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5480 Prime Sponsor, Senator Fairley: Creating the relative caregiver program. Reported by Committee on Ways and Means  
January 24, 2002

MAJORITY Recommendation: That the bill be referred to Committee on Human Services and Corrections without recommendation. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice-Chair; Hewitt, Honeyford, Kohl-Welles, Long, Parlette, Rasmussen, Roach, Rossi, B. Sheldon and Thibaudeau.

Referred to Committee on Human Services and Corrections.

SB 6236 Prime Sponsor, Senator West: Revising restrictions on mailings by legislators. Reported by Committee on State and Local Government  
January 23, 2002

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 24, 2002

SB 6314 Prime Sponsor, Senator Prentice: Concerning the forum and choice of law for parties to a computer information agreement. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to Committee on Labor, Commerce and Financial Institutions without recommendation. Signed by Senators Kline, Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Thibaudeau and Zarelli.

Referred to Committee on Labor, Commerce and Financial Institutions.

January 23, 2002

SB 6315 Prime Sponsor, Senator Gardner: Clarifying acceptance of gifts by the archives and oral history program. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 23, 2002

SB 6320 Prime Sponsor, Senator Gardner: Regulating voter registration applications. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6320 be substituted therefor, and the substitute bill do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 23, 2002

SB 6321 Prime Sponsor, Senator Gardner: Allowing candidates to file electronically. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 23, 2002

SB 6323 Prime Sponsor, Senator Gardner: Revising initiative filing fee procedures. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser, Kline, McCaslin and Swecker.

Passed to Committee on Rules for second reading.

January 23, 2002

SB 6324 Prime Sponsor, Senator Gardner: Directing a statewide voter registration data base. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 23, 2002

SB 6325 Prime Sponsor, Senator Gardner: Modifying the administration of elections. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 24, 2002

SB 6341 Prime Sponsor, Senator Hargrove: Amending the judicial review of sex offender registration to comply with federal funding requirements. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 24, 2002

SB 6408 Prime Sponsor, Senator Costa: Restoring sex offender registration for nonfelony communication with a minor convictions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 24, 2002

SB 6416 Prime Sponsor, Senator Poulsen: Allowing public utility districts to define the eligible group of low-income citizens to whom they may provide services at reduced rates. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, Keiser and Morton.

Passed to Committee on Rules for second reading.

January 23, 2002

SJM 8027 Prime Sponsor, Senator Parlette: Requesting a day of recognition for fire fighters and emergency medical service technicians. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 8027 be substituted therefor, and the substitute bill do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 23, 2002

SJM 8032 Prime Sponsor, Senator Benton: Requesting Patriot's Day to be moved and celebrated on September 11th. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 6666 by Senators Costa, Deccio and Winsley

AN ACT Relating to payment for nursing care services; and amending RCW 18.52C.040 and 74.46.410.

Referred to Committee on Health and Long-Term Care.

SB 6667 by Senators Rasmussen, Swecker, Shin, Spanel, Gardner, Honeyford and Haugen

AN ACT Relating to agricultural products purchased for state institutions and state-supported facilities; adding a new section to chapter 43.19 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture and International Trade.

SB 6668 by Senators Keiser, Johnson, Hale, Regala, McDonald, Fraser and Rasmussen

AN ACT Relating to location of replacement or redundancy wells of public water systems; and amending RCW 90.44.100.

Referred to Committee on Environment, Energy and Water.

SB 6669 by Senators Thibaudeau and Prentice

AN ACT Relating to applying the consumer protection act to certain actions of real estate salespersons and brokers; amending RCW 64.06.060; and adding a new section to chapter 64.06 RCW.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6670 by Senators Fairley and Kohl-Welles

AN ACT Relating to beneficiaries in wrongful death actions; amending RCW 4.20.020; and creating a new section.

Referred to Committee on Judiciary.

SB 6671 by Senators Haugen and McCaslin

AN ACT Relating to spousal immunity; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

SB 6672 by Senators McCaslin, Swecker and Fraser

AN ACT Relating to effects of inorganic fluoride on the quality of the waters of the state; adding a new section to chapter 90.48 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Environment, Energy and Water.

SB 6673 by Senator Kastama

AN ACT Relating to the Washington clean elections act; amending RCW 42.17.095; and adding a new chapter to Title 42 RCW.

Referred to Committee on State and Local Government.

SB 6674 by Senators Hale, Hewitt, Keiser, Costa, McCaslin and Sheahan

AN ACT Relating to sales and use tax revenue from the construction of a nuclear waste treatment and immobilization plant; adding a new section to chapter 82.32 RCW; adding a new section to chapter 70.99 RCW; and creating a new section.

Referred to Committee on Ways and Means.

SB 6675 by Senators Prentice, Fairley, Rasmussen, Fraser, Keiser, Costa, Franklin and Spanel

AN ACT Relating to prohibiting health care facilities from requiring employees to perform overtime work; adding new sections to chapter 49.28 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6676 by Senators Haugen, McCaslin, Rasmussen and Regala

AN ACT Relating to the exemption of certain documents from public inspection and copying; and reenacting and amending RCW 42.17.310.

Referred to Committee on State and Local Government.

SB 6677 by Senators Costa, Deccio, Haugen, Winsley and Rasmussen

AN ACT Relating to medicaid nursing home rates; and amending RCW 74.46.020, 74.46.410, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.506, and 74.46.521.

Referred to Committee on Health and Long-Term Care.

SB 6678 by Senators Fraser, Benton, Franklin and Costa (by request of Lieutenant Governor Owen)

AN ACT Relating to mercury amalgam dental fillings; and creating a new section.

Referred to Committee on Health and Long-Term Care.

SB 6679 by Senators Deccio, Snyder, Morton, T. Sheldon, Sheahan, Hargrove, Rasmussen, Honeyford, McCaslin and Winsley

AN ACT Relating to preserving essential government services in the event of catastrophic county revenue losses; amending RCW 43.06.010; adding new sections to chapter 43.06 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6680 by Senators Prentice, Rasmussen, Deccio, Parlette, Honeyford, Hale, Hewitt, Sheahan, Hochstatter, Stevens and McAuliffe

AN ACT Relating to agricultural laborers who are paid on a piece rate basis; and amending RCW 49.46.010.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6681 by Senators Roach and McCaslin

AN ACT Relating to regional transit authority governance; and amending RCW 81.112.040.

Referred to Committee on Transportation.

SJM 8035 by Senators Hargrove, Snyder, Benton, T. Sheldon, Oke, Deccio, Winsley, Long, Horn, Hochstatter, Stevens, Swecker, Finkbeiner, Carlson, Roach, Johnson, Zarelli, Hale, Honeyford, Hewitt, Morton, Sheahan, Rossi, Rasmussen, Gardner, Spanel, McAuliffe, Fraser, West, Franklin and Haugen

Honoring West Point on its 200th Anniversary.

#### MOTION

On motion of Senator Betti Sheldon, Senate Joint Memorial No. 8035 was held at the desk.

#### MOTION

On motion of Senator Kastama, the following resolution was adopted:

#### SENATE RESOLUTION 8727

By Senators Kastama and Long

WHEREAS, The Puyallup Rose Society is one of almost four hundred local chapters and affiliates of the American Rose Society, an educational nonprofit national organization, with a membership of over 24,000 people, dedicated exclusively to the cultivation and enjoyment of roses; and

WHEREAS, The Puyallup Rose Society, formed only a decade ago and considered a relative newcomer as a society, has grown to achieve a membership of more than three hundred members, with eighty of whom attend every meeting making it a model for the modern rose society; and

WHEREAS, The Puyallup Rose Society members are home gardeners who enjoy growing roses and want to expand their knowledge of rose culture, and will travel from well outside the Puyallup area to be a member of The Puyallup Rose Society; and

WHEREAS, The Puyallup Rose Society hosts three annual Rose Shows at the Puyallup Fair in downtown Puyallup, Washington; and

WHEREAS, The Puyallup Rose Society has an annual exhibition at the Supermall in Auburn, Washington that is as large as the largest rose shows in the nation, and

WHEREAS, The Puyallup Rose Society voluntarily plants gardens like the one at The Old Soldiers' Home in Orting, Washington and participates in many public information activities throughout the Pacific Northwest; and

WHEREAS, The Puyallup Rose Society, one of the most active rose societies in the nation, has determined to bring attention to the existence of the American Rose Society and its declaration that the year 2002 be established as The Year of the Rose;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the many contributions made over the past ten years to our state by the Puyallup Rose Society of Puyallup, Washington, affiliated with the American Rose Society during this the Year of the Rose; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted immediately by the Secretary of the Senate to the Officers of the 2002 Puyallup Rose Society.

Senators Kastama, Rasmussen, Hochstatter, Franklin and Eide spoke to Senate Resolution 8727.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Puyallup Rose Society, who were seated in the gallery.

#### PERSONAL PRIVILEGE

Senator Deccio: "Mr. President, a point of personal privilege. I want Senator Kastama to apologize. I am smitten with the word, 'old soldier.' I am speaking on behalf of Senator McCaslin and Senator Snyder and a whole bunch of people. I don't even like to use the word. 'old,' so I will accept your apology."

#### PERSONAL PRIVILEGE

Senator Hale: "A point of personal privilege, Mr. President. Ladies and gentlemen of the Senate, I am just delighted to share my joy with you. I have a brand new baby granddaughter, born just a couple of hours ago in Virginia. Her name is 'Riley' from a good Irish background on both sides. She weighed in at seven pounds, four ounces and is a beautiful and healthy baby girl."

#### MOTION

On motion of Senator Oke, the following resolution was adopted:

#### **SENATE RESOLUTION 8722**

*By Senators Oke, Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, and Zarelli*

*WHEREAS, the 2001 Seattle Mariners gave baseball fans throughout the Northwest several months of joy, thrills and excitement as they broke the American League record for wins in a regular season and equaled one of Major League Baseball's longest-standing records by winning one-hundred and sixteen games in the regular season, originally set by the 1906 Chicago Cubs; and*

*WHEREAS, in tying the Major League record for wins in a season, the Mariners displayed remarkable consistency throughout the year as they recorded twenty wins each in April, May, August and September/October, and eighteen wins a piece in June and July; and*

*WHEREAS, during their magical 2001 season, the Mariners' winning ways, team-first attitude and classy style on and off the field, drew a team-record 3.5 million fans to Safeco Field and captured the hearts of people throughout the Northwest; and*

*WHEREAS, new additions such as Ichiro Suzuki and Bret Boone helped propel the Mariners' offense and defense to the top of the American League in both categories, while Freddy Garcia, Jamie Moyer and Kazuhiro Sasaki anchored a pitching staff that led the American League in team earned run average; and*

*WHEREAS, the Mariners set club records for highest batting average, highest fielding percentage and lowest earned run average in a season; and*

*WHEREAS, the Mariners kept fans dreaming of a World Series Title by defeating the Cleveland Indians in the American League Divisional Series before losing to the defending World Series Champion New York Yankees in the American League Championship Series; and*

*WHEREAS, longtime veteran and team icon Jay Buhner provided strong clubhouse leadership and support while sidelined most of the season with an injury, and then gave fans one last thrill by hitting a mammoth home run in the ALCS against the Yankees before retiring; and*

**WHEREAS, Ichiro was named American League Most Valuable Player and Boone finished third in the MVP balloting, Lou Piniella was named American League Manager of the Year, Edgar Martinez was named the AL's Most Outstanding Designated Hitter, and Freddy Garcia finished third in the AL's Cy Young Award balloting; and**

**WHEREAS, despite the disappointing end to the season, Mariners fans look forward to spring training and can't wait for the 2002 season to begin;**

**NOW THEREFORE BE IT RESOLVED, That the Washington State Senate congratulate the Mariners on their remarkable season and thank the M's for giving fans throughout the Northwest so many special memories.**

**BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of the resolution to the Seattle Mariners baseball organization.**

Senators Oke, Eide, Deccio, Finkbeiner, Betti Sheldon, Haugen, Kohl-Welles, Hargrove, Kline, Roach, Gardner and Morton spoke to Senate Resolution 8722.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Howard Lincoln, Chairman and CEO of the Mariner Organization, who was seated on the rostrum.

With permission of the Senate, business was suspended to permit Mr. Lincoln to address the Senate.

The President also introduced Clyde MacIver, Executive Vice President and General Counsel for the Mariner's Organization, who was also seated on the rostrum.

#### MOTION

On motion of Senator Oke, the following resolution was adopted:

#### SENATE RESOLUTION 8728

By Senators Oke, Rossi, Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, and Zarelli

WHEREAS, Jay Campbell Buhner was born in 1964 in Louisville, Kentucky, and eventually gave new meaning to the term Louisville slugger; and

WHEREAS, Jay Buhner grew up in Texas and began his major league baseball career with the New York Yankees, but soon came to call the state of Washington home; and

WHEREAS, in 1988, the Yankees made one of the worst trades in their history when they dealt Jay Buhner to the Seattle Mariners for Ken Phelps, a trade that eventually became immortalized on "Seinfeld" reruns; and

WHEREAS, Jay Buhner, affectionately nicknamed "Bone," became a fixture in right field and in the heart of the batting lineup for the Mariners for many seasons, wowing fans with his massive home runs and cannon for an arm; and

WHEREAS, Jay Buhner became a fan favorite throughout the Northwest as a result of his hard-nosed play, determination, desire, guts and courage; not to mention his shaved head; and

WHEREAS, Jay Buhner gained even more respect and admiration from fans throughout the region for his willingness to give back to the community through charities and other activities; and

WHEREAS, Buhner Buzz Cut Night became an annual highlight during the baseball season, drawing thousands of fans to get a buzz and then to get into the game for free; and

WHEREAS, Jay Buhner showed his leadership and sense of team unity during the Mariners' magical 2001 season by traveling with the team on road trips and sitting in the dugout during all the games, despite missing most of the season with an injury; and

WHEREAS, Jay Buhner ended his career where he began it, hitting a mammoth home run in hallowed Yankee Stadium to help the Mariners beat the Yankees in Game 3 of the American League Championship Series last fall; and

WHEREAS, Buhner retired last December, ending his fourteen-year career with 310 home runs, 965 runs batted in, 798 runs scored, 1,273 hits and 1,472 games played, nearly all of them with the Mariners;

NOW, THEREFORE, BE IT RESOLVED, that the Washington State Senate honor Jay Buhner on his long and wonderful career with the Seattle Mariners and thank him for giving so much back to the team's fans and to the community.

Senators Oke, Rossi, Rasmussen and Hochstatter spoke to Senate Resolution 8728.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Jay Buhner, who was seated on the rostrum.

With permission of the Senate, business was suspended to allow Jay to address the Senate.

The President presented Jay Buhner with a Washington State Distinguished Citizen Certificate for his good work for the Mariners, as well as for his contribution to the community.

#### PERSONAL PRIVILEGE

Senator Oke: "A point of personal privilege, Mr. President. Would you have all these hard working Senator's names placed on both of these resolutions?"

#### MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

#### SENATE RESOLUTION 8726

***By Senators Rasmussen, Snyder, Oke, Johnson, Roach, Long, Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, McDonald, Morton, Parlette, Poulsen, Prentice, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley, and Zarelli***

***WHEREAS, Nearly seventy-eight hundred men and women of the Washington National Guard serve the nation as guardians of American interests at home and abroad; and***

***WHEREAS, These recognized leaders in state, regional and national preparedness reside in every legislative district and volunteer their time and personal efforts to serve the needs of the people of Washington State; and***

***WHEREAS, In the last year the Guard answered the state's call to support firefighting efforts in which thousands of acres of public and private lands were threatened; and***

***WHEREAS, The Guard is providing security at airports in our state and at numerous locations across the globe in response to the horrific terrorist attacks of last September 11; and***

***WHEREAS, The Guard continues to promote positive life styles and activities for Washington's youth through involvement in and support of highly effective drug prevention programs with school aged children and community based organizations; and***

***WHEREAS, The Guard participates in the state's counter drug efforts by providing personnel and specialized equipment in support of seventy local, state and federal law enforcement agencies. The dedication of these men and women last year contributed to hundreds of drug-related arrests and seizures and the destruction of millions of dollars of illegal drugs; and***

***WHEREAS, The Guard adds value to communities by opening armories for public use for distance learning classes, food banks, and other community and youth activities. The Guard continues to build upon these readiness centers/armories throughout the state to enhance education, add to quality of life, and increased economic vitality;***

***NOW, THEREFORE, BE IT RESOLVED, The Senate expresses its thanks and appreciation to the devoted families and dedicated employers of our Guard soldiers and airmen for their support, without which the Guard's missions could not be successful; and***

***BE IT FURTHER RESOLVED, That the Senate recognizes the value of a strong and dedicated Washington National Guard to the viability, economy, safety, security and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well equipped and trained Guard units and the readiness center/armories that house them; and***

***BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Adjutant General of the Washington National Guard, the Governor of the State of Washington, the secretaries of the Army and Air Force, and the President of the United States.***

Senators Rasmussen, West, Franklin, Benton, Oke, Betti Sheldon, Shin, Eide and Morton spoke to Senate Resolution 8726.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Major General Timothy Lowenberg and the National Guard Members, who were seated in the gallery.

#### MOTION

At 11: 20 a.m. on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:01 p.m. by President Owen.

MOTION

At 1:01 p.m., Senator Betti Sheldon moved that the Senate adjourn until 9:00 a.m., Saturday, January 26, 2002.

MOTION

Senator Sheahan moved that the motion to adjourn until 9:00 a.m., Saturday, January 26, be amended to adjourning until 10:00 a.m., Monday, January 28.

Debate ensued.

Senators Betti Sheldon, Spanel and Prentice demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

The President declared the question before the Senate to be the motion by Senator Sheahan to amend the motion by Senator Betti Sheldon to adjourn until 9:00 a.m., Saturday, January 26, to adjourn until 10:00 a.m., Monday, January 28.

The motion by Senator Sheahan to amend the motion by Senator Betti Sheldon failed.

The President declared the question before the Senate to be the motion by Senator Betti Sheldon to adjourn until 9:00 a.m., Saturday, January 26.

The motion by Senator Betti Sheldon carried and at 1:10 p.m. the Senate adjourned until 9:00 a.m., Saturday, January 26, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWELFTH DAY, JANUARY 25, 2002

JOURNAL OF THE SENATE

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**THIRTEENTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Saturday, January 26, 2002

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, Finkbeiner, Kline and Rossi. On motion of Senator Honeyford, Senators Deccio, Finkbeiner and Rossi were excused.

The Sergeant at Arms Color Guard, consisting of Pages Kelsey Shardelman and Paul Tollefson, presented the Colors. Mary Lynne Reiner from the Temple Beth Hatifiloh in Olympia, offered the prayer.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

January 24, 2002

SB 5353 Prime Sponsor, Senator Prentice: Enforcing protection of archaeological sites. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5353 be substituted therefor, and the substitute bill do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Kline, McCaslin and T. Sheldon.

Passed to Committee on Rules for second reading.

January 24, 2002

SSB 5370 Prime Sponsor, Senate Committee on State and Local Government: Splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5370 be substituted therefor, and the second substitute bill do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser, Kline and T. Sheldon.

Passed to Committee on Rules for second reading.

January 25, 2002

SB 6260 Prime Sponsor, Senator Jacobsen: Reimbursing employees of the department of natural resources who are victims of assault. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2002

SB 6272 Prime Sponsor, Senator Long: Authorizing contracts for provision of basic medical care to sexually violent predators. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 24, 2002

SB 6275 Prime Sponsor, Senator Gardner: Regarding campaign contributions. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Kline, Roach and T. Sheldon.

Passed to Committee on Rules for second reading.

January 25, 2002

SB 6288 Prime Sponsor, Senator Long: Making technical, clarifying, and nonsubstantive amendments to chapter 12, Laws of 2001, 2nd special session. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6288 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2002

SB 6370 Prime Sponsor, Senator Kohl-Welles: Imposing an additional assessment for persons entering diversion agreements in regard to prostitution offenses. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2002

SB 6469 Prime Sponsor, Senator Long: Authorizing release of mental health services information to department of corrections. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2002

SB 6476 Prime Sponsor, Senator Costa: Clarifying counseling costs that may be included in restitution ordered in juvenile court. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2002

SB 6482 Prime Sponsor, Senator Long: Removing time limits for treatment under the alcohol and drug addiction treatment and support act. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 25, 2002

SB 6492 Prime Sponsor, Senator Costa: Modifying crime victims' compensation provisions. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Referred to Committee on Ways and Means.

January 25, 2002

SB 6531 Prime Sponsor, Senator Fraser: Modifying the duties of the joint committee on energy supply. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 6531 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, Keiser, McDonald and Morton.

Passed to Committee on Rules for second reading.

January 24, 2002

SB 6660 Prime Sponsor, Senator Prentice: Protecting personal information about law enforcement officers and their families. Reported by Committee on State and Local Government

MAJORITY Recommendation: That the bill be referred to Committee on Labor, Commerce and Financial Institutions without recommendation. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Kline, McCaslin, Roach and T. Sheldon.

Referred to Committee on Labor, Commerce and Financial Institutions.

January 25, 2002

SJM 8005 Prime Sponsor, Senator Fraser: Petitioning Congress to strengthen vessel safety standards. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, Keiser, McDonald and Morton.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6492 was referred to the Committee on Ways and Means.

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

July 30, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Amy C. Solomon, appointed July 30, 2001, for a term ending June 30, 2005, as a member of the Executive Board of the Washington Public Power Supply System.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Environment, Energy and Water.

#### INTRODUCTION AND FIRST READING

SB 6682 by Senators Winsley and Prentice

AN ACT Relating to restricting utility assessments and charges for certain mobile home parks; and amending RCW 35.67.370.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6683 by Senators Eide, Costa, T. Sheldon, Oke, Long and Rasmussen

AN ACT Relating to driving while under the influence of alcohol or any drug; amending RCW 46.61.502, 46.61.504, 46.61.5058, 46.61.524, 9.94A.525, and 9.94A.650; reenacting and amending RCW 46.61.5055, 9.94A.515, 46.20.3101, and 46.20.391; and prescribing penalties.

Referred to Committee on Judiciary.

SB 6684 by Senators Kline, McCaslin, Finkbeiner and Thibaudeau

AN ACT Relating to changing the number of district court judges; and amending RCW 3.34.010 and 3.34.020.

Referred to Committee on Judiciary.

SB 6685 by Senators Rossi, Kline, Roach and Sheahan

AN ACT Relating to drivers convicted of alcohol offenses; and amending RCW 46.20.720 and 46.20.311.  
Referred to Committee on Judiciary.

SB 6686 by Senators Rossi, Roach, Oke and Sheahan

AN ACT Relating to drivers convicted of alcohol offenses; amending RCW 46.20.720 and 46.20.311; and reenacting and amending RCW 46.20.308.  
Referred to Committee on Judiciary.

SB 6687 by Senators Sheahan, Long, T. Sheldon, Kohl-Welles, Oke, Keiser, Shin and Johnson

AN ACT Relating to attempting to elude a pursuing police vehicle; amending RCW 46.20.285, 46.20.311, and 46.61.024; reenacting and amending RCW 9.94A.515; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 6688 by Senators Prentice, Thibaudeau, Oke and Rasmussen

AN ACT Relating to preventing cigarette stamps from being affixed to packages containing cigarettes manufactured by nonparticipating tobacco product manufacturers that are not making required escrow payments; and amending RCW 82.24.035.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6689 by Senators Kohl-Welles, Costa, Thibaudeau, Snyder, Kline, Fairley and McAuliffe

AN ACT Relating to the sale of firearms at gun shows and events; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 6690 by Senators Poulsen, Swecker, Jacobsen, Keiser and Shin

AN ACT Relating to local government utility authority; amending RCW 35.92.010 and 35.92.050; and creating a new section.  
Referred to Committee on State and Local Government.

SB 6691 by Senator Spanel

AN ACT Relating to authorizing less-than-countywide port districts with five commissioners with three commissioner districts and two at large commissioner districts to create five port commissioner districts; and amending RCW 53.12.010.  
Referred to Committee on State and Local Government.

SB 6692 by Senators McCaslin and Swecker

AN ACT Relating to enhancing the safety and quality of drinking water in public drinking water systems; amending RCW 70.119A.060, 43.20.050, 70.142.010, and 57.08.012; prescribing penalties; and providing an effective date.  
Referred to Committee on Environment, Energy and Water.

SB 6693 by Senators Winsley and Prentice

AN ACT Relating to an installation code for manufactured structures; and adding a new section to chapter 19.27 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6694 by Senators Gardner, Roach, Zarelli and Rasmussen (by request of Washington State Patrol)

AN ACT Relating to confidentiality of drug and alcohol tests by the state toxicologist; and reenacting and amending RCW 42.17.310.  
Referred to Committee on Judiciary.

SB 6695 by Senators Winsley, Prentice and Fraser

AN ACT Relating to claiming construction-related liens; and amending RCW 60.04.031.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6696 by Senator West

AN ACT Relating to subsidizing premiums for employer-sponsored insurance; amending RCW 70.47.020; adding a new section to chapter 70.47 RCW; and adding a new section to chapter 74.09 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 6697 by Senators Finkbeiner, Kline, Fraser and Kohl-Welles

AN ACT Relating to ultra-fuel-efficient vehicles; and amending RCW 46.16.015.  
Referred to Committee on Environment, Energy and Water.

SB 6698 by Senators Thibaudeau and Deccio

AN ACT Relating to exempting reflexologists from regulation as massage practitioners; amending RCW 18.108.010 and 18.108.050; and adding a new section to chapter 18.108 RCW.  
Referred to Committee on Health and Long-Term Care.

SB 6699 by Senators Kohl-Welles, Winsley, Costa, Shin, McAuliffe, Kline and Keiser (by request of State Board for Community and Technical Colleges)

AN ACT Relating to the powers and duties of the boards of trustees of community and technical colleges; and amending RCW 28B.50.140.  
Referred to Committee on Higher Education.

SB 6700 by Senators Finkbeiner, Roach, Oke and McAuliffe

AN ACT Relating to limiting publication of personal information of law enforcement-related and court-related employees; and adding new sections to chapter 41.04 RCW.  
Referred to Committee on Judiciary.

SJM 8036 by Senators B. Sheldon, Shin, Carlson, Haugen, Sheahan, Spanel, Oke, Franklin, Rasmussen, Jacobsen, Eide, Winsley, Costa, T. Sheldon, Kastama, Thibaudeau, Gardner, Hale, Swecker, West, Prentice, McAuliffe, Kline, Fraser, Keiser, Johnson, Roach and Kohl-Welles

Requesting a memorial to remember the internment of Japanese-Americans during World War II.

Referred to Committee on State and Local Government.

#### MOTION

At 9:09 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:33 a.m. by President Owen.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5097, by Senate Committee on State and Local Government (originally sponsored by Senators Kastama, Winsley, Constantine, Hargrove, Oke, Rasmussen and Patterson)

Requiring public entities to display the national league of families' POW/MIA flag.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5097.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5097 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senator Kline - 1.

Excused: Senators Deccio, Finkbeiner and Rossi - 3.

SUBSTITUTE SENATE BILL NO. 5097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2304, by House Committee on Transportation (originally sponsored by Representatives Fisher, Jarrett, Kessler, Berkey, Sullivan, Dunshee, Lovick, Kenney, Lantz, Santos, Ruderman, Edwards, Murray, Rockefeller, Wood, O'Brien, Cooper, Haigh, Fromhold, Tokuda, Ogden, Romero, Cody, Darneille, Simpson, Linville, Uptegrove, Schual-Berke, Kagi and McIntire) (by request of Governor Locke)

Adopting certain recommendations of the state Blue Ribbon Commission on Transportation.

The bill was read the second time.

#### MOTION

Senator Haugen moved that the following Committee on Transportation striking amendment be adopted:  
Strike everything after the enacting clause and insert the following:

#### **"PART I ESTABLISHMENT OF TRANSPORTATION PERFORMANCE MEASURES**

**NEW SECTION. Sec. 101. LEGISLATIVE INTENT.** It is the intent of the legislature to establish policy goals for the operation, performance of, and investment in, the state's transportation system. The policy goals shall consist of, but not be limited to, the following benchmark categories, adopted by the state's Blue Ribbon Commission on Transportation on November 30, 2000. In addition to improving safety, public investments in transportation shall support achievement of these and other priority goals:

No interstate highways, state routes, and local arterials shall be in poor condition; no bridges shall be structurally deficient, and safety retrofits shall be performed on those state bridges at the highest seismic risk levels; traffic congestion on urban state highways shall be significantly reduced and be no worse than the national mean; delay per driver shall be significantly reduced and no worse than the national mean; per capita vehicle miles traveled shall be maintained at 2000 levels; the nonauto share of commuter trips shall be increased in urban areas; administrative costs as a percentage of transportation spending shall achieve the most efficient quartile nationally; and the state's public transit agencies shall achieve the median cost per vehicle revenue hour of peer transit agencies, adjusting for the regional cost-of-living.

These policy goals shall be the basis for establishment of detailed and measurable performance benchmarks.

It is the intent of the legislature that the transportation commission establish performance measures to ensure transportation system performance at local, regional, and state government levels, and the transportation commission should work with appropriate government entities to accomplish this.

**NEW SECTION. Sec. 102.** Section 101 of this act takes effect July 1, 2002.

#### **PART II ALTERNATIVE DELIVERY PROCEDURES FOR CONSTRUCTION SERVICES**

**NEW SECTION. Sec. 201.** The legislature finds that there is a pressing need for additional transportation projects to meet the mobility needs of Washington citizens. With major new investments approved to meet these pressing needs, additional work force assistance is necessary to ensure and enhance project delivery timelines. Recruiting and retaining a high quality work force, and implementing new and innovative procedures for delivering these transportation projects is required to accomplish them on a timely basis that best serves the public. It is the intent of sections 203 and 204 of this act that no state employees will lose their employment as a result of implementing new and innovative project delivery procedures.

**NEW SECTION. Sec. 202.** A new section is added to chapter 47.28 RCW to read as follows:

The definitions in this section apply throughout section 203 of this act and RCW 41.06.380 unless the context clearly requires otherwise.

(1) "Construction services" means those services that aid in the delivery of the highway construction program and include, but are not limited to, real estate services and construction engineering services.

(2) "Construction engineering services" includes, but is not limited to, construction management, construction administration, materials testing, materials documentation, contractor payments and general administration, construction oversight, and inspection and surveying.

**NEW SECTION. Sec. 203.** A new section is added to chapter 47.28 RCW to read as follows:

(1) The department of transportation shall work with representatives of transportation labor groups to develop a financial incentive program to aid in retention and recruitment of employee classifications where problems exist and program delivery is negatively affected. The department's financial incentive program must be reviewed and approved by the legislature before it can be implemented. This program must support the goal of enhancing project delivery timelines as outlined in section 201 of this act. Upon receiving approval from the legislature, the department of personnel shall implement, as required, specific aspects of the financial incentive package, as developed by the department of transportation.

(2) Notwithstanding chapter 41.06 RCW, the department of transportation may acquire services from qualified private firms in order to deliver the transportation construction program to the public. Services may be acquired solely for augmenting the department's work force capacity and only when the department's transportation construction program cannot be delivered through its existing or readily available work force. The department of transportation shall work with representatives of transportation labor groups to develop and

implement a program identifying those projects requiring contracted services while establishing a program as defined in subsection (1) of this section to provide the classified personnel necessary to deliver future construction programs. The procedures for acquiring construction engineering services from private firms may not be used to displace existing state employees nor diminish the number of existing classified positions in the present construction program. The acquisition procedures must be in accordance with chapter 39.80 RCW.

(3) Starting in December 2003, and biennially thereafter, the secretary shall report to the transportation committees of the legislature on the use of construction engineering services from private firms authorized under this section. The information provided to the committees must include an assessment of the benefits and costs associated with using construction engineering services, or other services, from private firms, and a comparison of public versus private sector costs. The secretary is authorized to act on these findings to ensure the most cost-effective means of service delivery.

**Sec. 204.** RCW 41.06.380 and 1979 ex.s. c 46 s 2 are each amended to read as follows:

(1) Nothing contained in this chapter shall prohibit any department, as defined in RCW 41.06.020, from purchasing services by contract with individuals or business entities if such services were regularly purchased by valid contract by such department prior to April 23, 1979: PROVIDED, That no such contract may be executed or renewed if it would have the effect of terminating classified employees or classified employee positions existing at the time of the execution or renewal of the contract.

(2) Nothing contained in this chapter prohibits the department of transportation from purchasing construction services or construction engineering services, as those terms are defined in section 202 of this act, by contract from qualified private businesses as specified in section 203(2) of this act.

NEW SECTION. Sec. 205. Sections 201 through 204 of this act and RCW 41.06.380(2) are null and void if new transportation revenues do not become law by January 1, 2003. Sections 201 through 204 of this act and RCW 41.06.380(2) are effective only for the period consistent with the new transportation revenues, after which time these provisions will expire.

### PART III APPRENTICESHIP AND ADJUSTMENTS TO PREVAILING WAGE PROVISIONS

NEW SECTION. Sec. 301. (1) The legislature finds that a skilled technical work force is necessary for maintaining, preserving, and improving Washington's transportation system. The Blue Ribbon Commission on Transportation found that state and local transportation agencies are showing signs of a work force that is insufficiently skilled to operate the transportation system at its highest level. Sections 301 through 308 of this act are intended to explore methods for fostering a stronger industry in transportation planning and engineering.

(2) It is the intent of the legislature that the state prevailing wage process operate efficiently, that the process allow contractors and workers to be paid promptly, and that new technologies and innovative outreach methods be used to enhance wage surveys in order to better reflect current wages in counties across the state.

(3) The legislature finds that in order to enhance the prevailing wage process it is appropriate for all intent and affidavit fees paid by contractors be dedicated to the sole purpose of administering the state prevailing wage program.

(4) To accomplish the intent of this section and in order to enhance the response of businesses and labor representatives to the prevailing wage survey process, the department shall undertake the following activities:

(a) Establish a goal of conducting surveys for each trade every three years;

(b) Actively promote increased response rates from all survey recipients in every county both urban and rural. The department shall provide public education and technical assistance to businesses, labor representatives, and public agencies in order to promote a better understanding of prevailing wage laws and increased participation in the prevailing wage survey process;

(c) Actively work with businesses, labor representatives, public agencies, and others to ensure the integrity of information used in the development of prevailing wage rates, and ensure uniform compliance with requirements of sections 301 through 308 of this act;

(d) Maintain a timely processing of intents and affidavits, with a target processing time no greater than seven working days from receipt of completed forms;

(e) Develop and implement electronic processing of intents and affidavits and promote the efficient and effective use of technology to improve the services provided by the prevailing wage program.

NEW SECTION. Sec. 302. A new section is added to chapter 49.04 RCW to read as follows:

The apprenticeship council shall work with the department of transportation, local transportation jurisdictions, local and statewide joint apprenticeships, other apprenticeship programs, representatives of labor and business organizations with interest and expertise in the transportation work force, and representatives of the state's universities and community and vocational colleges to establish technical apprenticeship opportunities specific to the needs of transportation. The council shall issue a report of findings and recommendations to the transportation committees of the legislature by December 1, 2002. The report must include, but not be limited to, findings and recommendations regarding the establishment of transportation technical training programs within the community and vocational college system and in the state universities.

NEW SECTION. Sec. 303. A new section is added to chapter 47.01 RCW to read as follows:

The department of transportation shall work with local transportation jurisdictions and representatives of transportation labor groups to establish a human resources skills bank of transportation professionals. The skills bank must be designed to allow all transportation authorities to draw from it when needed. The department shall issue a report of findings and recommendations to the transportation committees of the legislature by December 1, 2002. The report must include, but not be limited to, identification of any statutory or administrative rule changes necessary to create the skills bank and allow it to function in the manner described.

NEW SECTION. Sec. 304. A new section is added to chapter 47.06 RCW to read as follows:

The state-interest component of the statewide multimodal transportation plan must include a plan for enhancing the skills of the existing technical transportation work force.

NEW SECTION. Sec. 305. The department of labor and industries, in cooperation with the department of transportation, shall conduct an assessment of the current practices, including survey techniques, used in setting prevailing wages for those trades related to transportation facilities and transportation project delivery. The assessment must include an analysis of regional variations and stratified random sampling survey methods. A final report must be submitted to the governor and the transportation and labor committees of the senate and house of representatives by December 1, 2002.

NEW SECTION. Sec. 306. A new section is added to chapter 39.12 RCW to read as follows:

(1) In establishing the prevailing rate of wage under RCW 39.12.010, 39.12.015, and 39.12.020, all data collected by the department may be used only in the county for which the work was performed.

(2) This section only applies to prevailing wage surveys initiated on or after August 1, 2002.

**Sec. 307.** RCW 39.12.070 and 1993 c 404 s 1 are each amended to read as follows:

The department of labor and industries may charge fees to awarding agencies on public works for the approval of statements of intent to pay prevailing wages and the certification of affidavits of wages paid. The department may also charge fees to persons or organizations requesting the arbitration of disputes under RCW 39.12.060. The amount of the fees shall be established by rules adopted by the department under the procedures in the administrative procedure act, chapter 34.05 RCW. The fees shall apply to all approvals, certifications, and arbitration requests made after the effective date of the rules. All fees shall be deposited in the public works administration account. ~~((On the fifteenth day of the first month of each quarterly period, an amount equaling thirty percent of the revenues received into~~

the public works administration account shall be transferred into the general fund.) The department may refuse to arbitrate for contractors, subcontractors, persons, or organizations which have not paid the proper fees. The department may, if necessary, request the attorney general to take legal action to collect delinquent fees.

The department shall set the fees permitted by this section at a level that generates revenue that is as near as practicable to the amount of the appropriation to administer this chapter, including, but not limited to, the performance of adequate wage surveys, and to investigate and enforce all alleged violations of this chapter, including, but not limited to, incorrect statements of intent to pay prevailing wage, incorrect certificates of affidavits of wages paid, and wage claims, as provided for in this chapter and chapters 49.48 and 49.52 RCW. However, the fees charged for the approval of statements of intent to pay prevailing wages and the certification of affidavits of wages paid shall be no greater than twenty-five dollars.

**Sec. 308.** RCW 39.12.080 and 2001 c 219 s 3 are each amended to read as follows:

The public works administration account is created in the state treasury. The department of labor and industries shall deposit in the account all moneys received from fees or civil penalties collected under RCW 39.12.050, 39.12.065, and 39.12.070. Appropriations from the account (~~(, not including moneys transferred to the general fund pursuant to RCW 39.12.070,)~~) may be made only for the purposes of administration of this chapter, including, but not limited to, the performance of adequate wage surveys, and for the investigation and enforcement of all alleged violations of this chapter as provided for in this chapter and chapters 49.48 and 49.52 RCW.

**NEW SECTION. Sec. 309.** Sections 301 through 308 and 310 of this act are null and void if new transportation revenues do not become law by January 1, 2003.

**NEW SECTION. Sec. 310.** The sum of nine hundred fifty thousand dollars, or as much thereof as may be necessary, is appropriated from the public works administration account to the department of labor and industries for the biennium ending June 30, 2003, to carry out the purposes of sections 306 through 308 of this act.

## PART IV TRANSPORTATION PLANNING AND EFFICIENCY

**Sec. 401.** RCW 47.05.010 and 1993 c 490 s 1 are each amended to read as follows:

The legislature finds that solutions to state highway deficiencies have become increasingly complex and diverse and that anticipated transportation revenues will fall substantially short of the amount required to satisfy all transportation needs. Difficult investment trade-offs will be required.

It is the intent of the legislature that investment of state transportation funds to address deficiencies on the state highway system be based on a policy of priority programming having as its basis the rational selection of projects and services according to factual need and an evaluation of life cycle costs and benefits (~~(and which)~~) that are systematically scheduled to carry out defined objectives within available revenue. The state must develop analytic tools to use a common methodology to measure benefits and costs for all modes.

The priority programming system (~~(shall)~~) must ensure preservation of the existing state highway system, relieve congestion, provide mobility for people and goods, support the state's economy, and promote environmental protection and energy conservation.

The priority programming system (~~(shall)~~) must implement the state-owned highway component of the statewide (~~(multimodal)~~) transportation plan, consistent with local and regional transportation plans, by targeting state transportation investment to appropriate multimodal solutions (~~(which)~~) that address identified state highway system deficiencies.

The priority programming system for improvements (~~(shall)~~) must incorporate a broad range of solutions that are identified in the statewide (~~(multimodal)~~) transportation plan as appropriate to address state highway system deficiencies, including but not limited to highway expansion, efficiency improvements, nonmotorized transportation facilities, high occupancy vehicle facilities, transit facilities and services, rail facilities and services, and transportation demand management programs.

**Sec. 402.** RCW 47.05.030 and 1998 c 171 s 6 are each amended to read as follows:

The transportation commission shall adopt a comprehensive six-year investment program specifying program objectives and performance measures for the preservation and improvement programs defined in this section. In the specification of investment program objectives and performance measures, the transportation commission, in consultation with the Washington state department of transportation, shall define and adopt standards for effective programming and prioritization practices including a needs analysis process. The (~~(needs)~~) analysis process (~~(shall)~~) must ensure the identification of problems and deficiencies, the evaluation of alternative solutions and trade-offs, and estimations of the costs and benefits of prospective projects. The investment program (~~(shall)~~) must be revised biennially, effective on July 1st of odd-numbered years. The investment program (~~(shall)~~) must be based upon the needs identified in the state-owned highway component of the statewide (~~(multimodal)~~) transportation plan as defined in RCW 47.01.071(3).

(1) The preservation program (~~(shall)~~) consists of those investments necessary to preserve the existing state highway system and to restore existing safety features, giving consideration to lowest life cycle costing. The preservation program must require use of the most cost-effective pavement surfaces, considering:

- (a) Life-cycle cost analysis;
- (b) Traffic volume;
- (c) Subgrade soil conditions;
- (d) Environmental and weather conditions;
- (e) Materials available; and
- (f) Construction factors.

The comprehensive six-year investment program for preservation (~~(shall)~~) must identify projects for two years and an investment plan for the remaining four years.

(2) The improvement program (~~(shall)~~) consists of investments needed to address identified deficiencies on the state highway system to increase mobility, address congestion, and improve (~~(mobility-)~~) safety, support for the economy, and protection of the environment. The six-year investment program for improvements (~~(shall)~~) must identify projects for two years and major deficiencies proposed to be addressed in the six-year period giving consideration to relative benefits and life cycle costing. The transportation commission shall give higher priority for correcting identified deficiencies on those facilities classified as facilities of statewide significance as defined in RCW 47.06.140. Project prioritization must be based primarily upon cost-benefit analysis, where appropriate.

The transportation commission shall approve and present the comprehensive six-year investment program to the legislature in support of the biennial budget request under RCW 44.40.070 and 44.40.080.

**Sec. 403.** RCW 47.05.035 and 1993 c 490 s 4 are each amended to read as follows:

(1) The department and the commission shall use the transportation demand modeling tools developed under subsection (2) of this section to evaluate investments based on the best mode or improvement, or mix of modes and improvements, to meet current and future long-term demand within a corridor or system for the lowest cost. The end result of these demand modeling tools is to provide a cost-benefit analysis by which the department and the commission can determine the relative mobility improvement and congestion relief each mode or improvement under consideration will provide and the relative investment each mode or improvement under consideration will need to achieve that relief.

(2) The department will participate in the refinement, enhancement, and application of existing transportation demand modeling tools to be used to evaluate investments. This participation and use of transportation demand modeling tools will be phased in.

(3) In developing program objectives and performance measures, the transportation commission shall evaluate investment trade-offs between the preservation and improvement programs. In making these investment trade-offs, the commission shall evaluate, using cost-benefit techniques, roadway and bridge maintenance activities as compared to roadway and bridge preservation program activities and adjust those programs accordingly.

(4) The commission shall allocate the estimated revenue between preservation and improvement programs giving primary consideration to the following factors:

~~((1))~~ (a) The relative needs in each of the programs and the system performance levels that can be achieved by meeting these needs;

~~((2))~~ (b) The need to provide adequate funding for preservation to protect the state's investment in its existing highway system;

~~((3))~~ (c) The continuity of future transportation development with those improvements previously programmed; and

~~((4))~~ (d) The availability of dedicated funds for a specific type of work.

**Sec. 404.** RCW 47.06.130 and 1993 c 446 s 13 are each amended to read as follows:

(1) The department may carry out special transportation planning studies to resolve specific issues with the development of the state transportation system or other statewide transportation issues.

(2) The department shall conduct multimodal corridor analyses on major congested corridors where needed improvements are likely to cost in excess of one hundred million dollars. Analysis will include the cost-effectiveness of all feasible strategies in addressing congestion or improving mobility within the corridor, and must recommend the most effective strategy or mix of strategies to address identified deficiencies. A long-term view of corridors must be employed to determine whether an existing corridor should be expanded, a city or county road should become a state route, and whether a new corridor is needed to alleviate congestion and enhance mobility based on travel demand. To the extent practicable, full costs of all strategies must be reflected in the analysis. At a minimum, this analysis must include:

(a) The current and projected future demand for total person trips on that corridor;

(b) The impact of making no improvements to that corridor;

(c) The daily cost per added person served for each mode or improvement proposed to meet demand;

(d) The cost per hour of travel time saved per day for each mode or improvement proposed to meet demand; and

(e) How much of the current and anticipated future demand will be met and left unmet for each mode or improvement proposed to meet demand.

The end result of this analysis will be to provide a cost-benefit analysis by which policymakers can determine the most cost-effective improvement or mode, or mix of improvements and modes, for increasing mobility and reducing congestion.

**NEW SECTION. Sec. 405.** The legislature intends that funding for transportation mobility improvements be allocated to the worst traffic chokepoints in the state. Furthermore, the legislature intends to fund projects that provide systemic relief throughout a transportation corridor, rather than spot improvements that fail to improve overall mobility within a corridor.

**Sec. 406.** RCW 47.05.051 and 1998 c 175 s 12 are each amended to read as follows:

(1) The comprehensive six-year investment program shall be based upon the needs identified in the state-owned highway component of the statewide multimodal transportation plan as defined in RCW 47.01.071(3) and priority selection systems that incorporate the following criteria:

~~((1))~~ (a) Priority programming for the preservation program shall take into account the following, not necessarily in order of importance:

~~((a))~~ (i) Extending the service life of the existing highway system, including using the most cost-effective pavement surfaces, considering:

(A) Life-cycle cost analysis;

(B) Traffic volume;

(C) Subgrade soil conditions;

(D) Environmental and weather conditions;

(E) Materials available; and

(F) Construction factors;

~~((b))~~ (ii) Ensuring the structural ability to carry loads imposed upon highways and bridges; and

~~((e))~~ (iii) Minimizing life cycle costs. The transportation commission in carrying out the provisions of this section may delegate to the department of transportation the authority to select preservation projects to be included in the six-year program.

~~((2))~~ (b) Priority programming for the improvement program ~~((shall take into account))~~ must be based primarily upon the following:

~~((a))~~ (i) Traffic congestion, delay, and accidents;

(ii) Location within a heavily traveled transportation corridor;

(iii) Synchronization with other potential transportation projects, including transit and multimodal projects, within the heavily traveled corridor; and

(iv) Use of benefit/cost analysis wherever feasible to determine the value of the proposed project.

(c) Priority programming for the improvement program may also take into account:

(i) Support for the state's economy, including job creation and job preservation;

~~((b))~~ (ii) The cost-effective movement of people and goods;

~~((e))~~ (iii) Accident and accident risk reduction;

~~((d))~~ (iv) Protection of the state's natural environment;

~~((e))~~ (v) Continuity and systematic development of the highway transportation network;

~~((f))~~ (vi) Consistency with local comprehensive plans developed under chapter 36.70A RCW;

~~((g))~~ (vii) Consistency with regional transportation plans developed under chapter 47.80 RCW;

~~((h))~~ (viii) Public views concerning proposed improvements;

~~((i))~~ (ix) The conservation of energy resources;

~~((j))~~ (x) Feasibility of financing the full proposed improvement;

~~((k))~~ (xi) Commitments established in previous legislative sessions;

~~((l))~~ (xii) Relative costs and benefits of candidate programs~~((s))~~.

~~((m))~~ (d) Major projects addressing capacity deficiencies which prioritize allowing for preliminary engineering shall be reprioritized during the succeeding biennium, based upon updated project data. Reprioritized projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding~~((s) and)~~.

~~((n))~~ (e) Major project approvals which significantly increase a project's scope or cost from original prioritization estimates shall include a review of the project's estimated revised priority rank and the level of funding provided. Projects may be delayed or canceled by the transportation commission if higher priority projects are awaiting funding.

~~((3))~~ (2) The commission may depart from the priority programming established under subsection~~((s))~~ (1) ~~((and (2)))~~ of this section: (a) To the extent that otherwise funds cannot be utilized feasibly within the program; (b) as may be required by a court judgment, legally binding agreement, or state and federal laws and regulations; (c) as may be required to coordinate with federal, local, or other state agency construction projects; (d) to take advantage of some substantial financial benefit that may be available; (e) for continuity of route

development; or (f) because of changed financial or physical conditions of an unforeseen or emergent nature. The commission or secretary of transportation shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority.

~~((4))~~ (3) The commission shall identify those projects that yield freight mobility benefits or that alleviate the impacts of freight mobility upon affected communities.

**NEW SECTION. Sec. 407.** The department of transportation shall report the results of its priority programming under RCW 47.05.051 to the transportation committees of the senate and house of representatives by December 1, 2003, and December 1, 2005.

**NEW SECTION. Sec. 408.** The legislature finds that roads, streets, bridges, and highways in the state represent public assets worth over one hundred billion dollars. These investments require regular maintenance and preservation, or rehabilitation, to provide cost-effective transportation services. Many of these facilities are in poor condition. Given the magnitude of public investment and the importance of safe, reliable roadways to the motoring public, the legislature intends to create stronger accountability to ensure that cost-effective maintenance and preservation is provided for these transportation facilities.

**Sec. 409.** RCW 35.84.060 and 1969 ex.s. c 281 s 26 are each amended to read as follows:

Every municipal corporation which owns or operates an urban public transportation system as defined in RCW 47.04.082 within its corporate limits, may acquire, construct, extend, own, or operate such urban public transportation system to any point or points not to exceed fifteen miles outside of its corporate limits: PROVIDED, That no municipal corporation shall extend its urban public transportation system beyond its corporate limits to operate in any territory already served by a privately operated auto transportation company holding a certificate of public convenience and necessity from the utilities and transportation commission.

As a condition of receiving state funding, the municipal corporation shall submit a maintenance management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the municipality, and provide a preservation plan based on lowest life cycle cost methodologies.

**NEW SECTION. Sec. 410.** A new section is added to chapter 36.56 RCW to read as follows:

As a condition of receiving state funding, a county that has assumed the transportation functions of a metropolitan municipal corporation shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the county, and provide a preservation plan based on lowest life cycle cost methodologies.

**NEW SECTION. Sec. 411.** A new section is added to chapter 36.57A RCW to read as follows:

As a condition of receiving state funding, a public transportation benefit area authority shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the authority, and provide a preservation plan based on lowest life cycle cost methodologies.

**NEW SECTION. Sec. 412.** A new section is added to chapter 46.68 RCW to read as follows:

During the 2003-2005 biennium, cities and towns shall provide to the transportation commission, or its successor entity, preservation rating information on at least seventy percent of the total city and town arterial network. Thereafter, the preservation rating information requirement shall increase in five percent increments in subsequent biennia. The rating system used by cities and towns must be based upon the Washington state pavement rating method or an equivalent standard approved by the transportation commission or its successor entity.

**Sec. 413.** RCW 47.06.050 and 1993 c 446 s 5 are each amended to read as follows:

The state-owned facilities component of the statewide transportation plan shall consist of:

(1) The state highway system plan, which identifies program and financing needs and recommends specific and financially realistic improvements to preserve the structural integrity of the state highway system, ensure acceptable operating conditions, and provide for enhanced access to scenic, recreational, and cultural resources. The state highway system plan shall contain the following elements:

(a) A system preservation element, which shall establish structural preservation objectives for the state highway system including bridges, identify current and future structural deficiencies based upon analysis of current conditions and projected future deterioration, and recommend program funding levels and specific actions necessary to preserve the structural integrity of the state highway system consistent with adopted objectives. Lowest life cycle cost methodologies must be used in developing a pavement management system. This element shall serve as the basis for the preservation component of the six-year highway program and the two-year biennial budget request to the legislature;

(b) A highway maintenance element, establishing service levels for highway maintenance on state-owned highways that meet benchmarks established by the transportation commission. The highway maintenance element must include an estimate of costs for achieving those service levels over twenty years. This element will serve as the basis for the maintenance component of the six-year highway program and the two-year biennial budget request to the legislature;

(c) A capacity and operational improvement element, which shall establish operational objectives, including safety considerations, for moving people and goods on the state highway system, identify current and future capacity, operational, and safety deficiencies, and recommend program funding levels and specific improvements and strategies necessary to achieve the operational objectives. In developing capacity and operational improvement plans the department shall first assess strategies to enhance the operational efficiency of the existing system before recommending system expansion. Strategies to enhance the operational efficiencies include but are not limited to access management, transportation system management, demand management, and high-occupancy vehicle facilities. The capacity and operational improvement element must conform to the state implementation plan for air quality and be consistent with regional transportation plans adopted under chapter 47.80 RCW, and shall serve as the basis for the capacity and operational improvement portions of the six-year highway program and the two-year biennial budget request to the legislature;

~~((e))~~ (d) A scenic and recreational highways element, which shall identify and recommend designation of scenic and recreational highways, provide for enhanced access to scenic, recreational, and cultural resources associated with designated routes, and recommend a variety of management strategies to protect, preserve, and enhance these resources. The department, affected counties, cities, and towns, regional transportation planning organizations, and other state or federal agencies shall jointly develop this element;

~~((d))~~ (e) A paths and trails element, which shall identify the needs of nonmotorized transportation modes on the state transportation systems and provide the basis for the investment of state transportation funds in paths and trails, including funding provided under chapter 47.30 RCW.

(2) The state ferry system plan, which shall guide capital and operating investments in the state ferry system. The plan shall establish service objectives for state ferry routes, forecast travel demand for the various markets served in the system, ~~((and))~~ develop strategies for ferry system investment that consider regional and statewide vehicle and passenger needs, support local land use plans, and assure that ferry services are fully integrated with other transportation services. The plan must provide for maintenance of capital assets. The plan must also provide for preservation of capital assets based on lowest life cycle cost methodologies. The plan shall assess the role of private ferries operating under the authority of the utilities and transportation commission and shall coordinate ferry system capital and operational plans with these private operations. The ferry system plan must be consistent with the regional transportation plans for areas served by the state ferry system, and shall be developed in conjunction with the ferry advisory committees.

**Sec. 414.** RCW 47.06.090 and 1993 c 446 s 9 are each amended to read as follows:

The state-interest component of the statewide multimodal transportation plan shall include an intercity passenger rail plan, which shall analyze existing intercity passenger rail service and recommend improvements to that service under the state passenger rail service program including depot improvements, potential service extensions, and ways to achieve higher train speeds.

For purposes of maintaining and preserving any state-owned component of the state's passenger rail program, the statewide multimodal transportation plan must identify all such assets and provide a preservation plan based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 415. A new section is added to chapter 81.112 RCW to read as follows:

As a condition of receiving state funding, a regional transit authority shall submit a maintenance and preservation management plan for certification by the transportation commission or its successor entity. The plan must inventory all transportation system assets within the direction and control of the transit authority, and provide a plan for preservation of assets based on lowest life cycle cost methodologies.

NEW SECTION. Sec. 416. A new section is added to chapter 36.78 RCW to read as follows:

The board shall establish a standard of good practice for maintenance of transportation system assets. This standard must be implemented by all counties no later than December 31, 2007. The board shall develop a model maintenance management system for use by counties. The board shall develop rules to assist the counties in the implementation of this system. Counties shall annually submit their maintenance plans to the board. The board shall compile the county data regarding maintenance management and annually submit it to the transportation commission or its successor entity.

NEW SECTION. Sec. 417. Sections 401 through 404 of this act take effect July 1, 2002.

NEW SECTION. Sec. 418. Sections 409 through 412, 415, and 416 of this act are null and void if new transportation revenues do not become law by January 1, 2003.

NEW SECTION. Sec. 419. Captions and part headings used in this act are not part of the law.

NEW SECTION. Sec. 420. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

#### MOTION

Senator Benton moved that the following amendments to the Committee on Transportation striking amendment be considered simultaneously and be adopted:

On page 4, after line 11, strike all of Section 205 in its entirety (lines 12-17).

On page 8, after line 7, strike all of Section 309 in its entirety (lines 8-10).

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendments by Senator Benton on page 4, after line 11, and page 8, after line 7, to the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2304.

The motion by Senator Benton failed and the amendments to the striking amendment were not adopted.

The President declared the question before the Senate to be the adoption of the Committee on Transportation striking amendment to Engrossed Substitute House Bill No. 2304.

The motion by Senator Haugen carried and the committee striking amendment was adopted

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "transportation;" strike the remainder of the title and insert "amending RCW 41.06.380, 39.12.070, 39.12.080, 47.05.010, 47.05.030, 47.05.035, 47.06.130, 47.05.051, 35.84.060, 47.06.050, and 47.06.090; adding new sections to chapter 47.28 RCW; adding a new section to chapter 49.04 RCW; adding a new section to chapter 47.01 RCW; adding a new section to chapter 47.06 RCW; adding a new section to chapter 39.12 RCW; adding a new section to chapter 36.56 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 81.112 RCW; adding a new section to chapter 36.78 RCW; creating new sections; making an appropriation; and providing effective dates."

On motion of Senator Betti Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 2304, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2304, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2304, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Deccio, Finkbeiner and Rossi - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2304, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE SENATE BILL NO. 6140, by Senators McDonald, Prentice, Horn, Eide, Johnson, Finkbeiner, Patterson, Shin, Benton, Kastama, Costa, McAuliffe, Rossi, Long, Roach, Zarelli and Oke

Creating congestion relief boards.

#### MOTIONS

On motion of Senator McDonald, Second Substitute Senate Bill No. 6140 was substituted for Substitute Senate Bill No. 6140 and the second substitute senate bill was read the second time.

Senator McDonald moved that the following striking amendment by Senators McDonald, Horn, Kastama, Benton, Rasmussen and Haugen be adopted:

Strike everything after the enacting clause and insert the following:

#### **'I. CREATION OF REGIONAL TRANSPORTATION INVESTMENT DISTRICT**

**NEW SECTION. Sec. 101. FINDINGS.** The legislature finds that:

(1) The capacity of many of Washington state's transportation facilities have failed to keep up with the state's growth, particularly in major urban regions;

(2) The state cannot by itself fund, in a timely way, many of the major capacity and other improvements required on highways of statewide significance in the state's largest urbanized area;

(3) Providing a transportation system that provides efficient mobility for persons and freight requires a shared partnership and responsibility between the state, local, and regional governments and the private sector; and

(4) Timely construction and development of significant transportation improvement projects can best be achieved through enhanced funding options for governments at the county and regional levels, using already existing tax authority to address roadway and multimodal needs and new authority for regions to address critical projects of statewide significance.

**NEW SECTION. Sec. 102. DEFINITIONS.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate as designated a highway of statewide significance by the transportation commission, its successor entity, or the legislature.

(4) "Lead agency" means a public agency that by law can plan, design, and build a project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation whose boundaries are coextensive with two or more contiguous counties and that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.

(6) "Regional transportation investment district coordinating committee" or "coordinating committee" means the advisory committee created under section 103 of this act to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8) "Transportation project" is:

(a) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, that adds a lane or new lanes to an existing state or federal highway; or

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, that repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.

A transportation project as defined in (a) and (b) of this subsection may include the following associated multimodal capital improvements of:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

Operations, preservation, and maintenance are excluded from this definition.

(9) "Weighted vote" means a vote that reflects the population each board or coordinating committee member represents relative to the population represented by the total membership of the board or coordinating committee. Population must be determined using the federal 2000 census or subsequent federal census data.

**NEW SECTION. Sec. 103. COORDINATING COMMITTEE FORMATION.** Regional transportation investment district coordinating committees are advisory entities that are created, convened, and empowered as follows:

(1) A county with a population over one million five hundred thousand persons and any adjoining counties with a population over five hundred thousand persons may create a regional transportation investment district and shall convene a regional transportation investment district coordinating committee.

(2) The members of the legislative authorities participating in planning under this chapter shall serve as the district coordinating committee. Members of the coordinating committee receive no compensation, but may be reimbursed for travel and incidental expenses as the coordinating committee deems appropriate.

The secretary of transportation, or the appropriate regional administrator of the department, as named by the secretary, shall serve on the committee as a nonvoting member.

(3) A regional transportation investment district coordinating committee may be entitled to state funding, as appropriated by the legislature, for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred in selecting transportation projects and funding for those projects under this chapter. Upon creation of a regional transportation investment district, the district shall within one year reimburse the state for any sums advanced for these start-up costs from the state.

(4) The coordinating committee shall conduct its affairs and formulate a regional transportation investment plan as provided under section 104 of this act, except that it shall elect an executive board of seven members to discharge the duties of the coordinating committee and formulate a regional transportation investment plan, subject to the approval of the full committee.

(5) At its first meeting, a regional transportation investment district coordinating committee may elect officers and provide for the adoption of rules and other operating procedures.

(6) Governance of and decisions by a regional transportation investment district coordinating committee must be by a sixty-percent weighted majority vote of the total membership.

(7) The coordinating committee may dissolve itself at any time by a two-thirds weighted majority vote of the total membership of the coordinating committee.

**NEW SECTION. Sec. 104. COORDINATING COMMITTEE DUTIES.** (1) A regional transportation investment district coordinating committee shall adopt a regional transportation investment plan providing for the selection, development, construction, and

financing of transportation projects. The regional transportation investment plan should consider land use planning. The coordinating committee may coordinate its activities with the department, which shall provide services, data, and personnel to assist in this planning as desired by the coordinating committee. In addition, the coordinating committee shall coordinate with affected cities, towns, and other local governments that engage in transportation planning.

(2) The coordinating committee shall:

(a) Conduct public meetings that are needed to assure active public participation in the development of the plan;

(b) Adopt a plan proposing the creation of a regional transportation investment district and recommending projects to improve mobility based on addressing transportation improvement projects; and

(c) Recommend sources of revenue authorized by section 105 of this act and a financing plan to fund selected transportation projects. The overall plan of the district must leverage the district's financial contributions so that the federal, state, local, and other revenue sources continue to fund major congestion relief and transportation capacity improvement projects in the district. A combination of local, state, and federal revenues may be necessary to pay for transportation projects, and the coordinating committee shall consider all of these revenue sources in developing a plan.

(3) Before adopting the plan, the coordinating committee, with assistance from the department, shall work with the lead agency to develop accurate cost forecasts for projects. This project costing methodology must be integrated with revenue forecasts in developing the plan and must at a minimum include estimated project costs in constant dollars as well as year of expenditure dollars, the range of project costs reflected by the level of project design, project contingencies, identification of mitigation costs, the range of revenue forecasts, and project and plan cash flow and bond analysis. The plan submitted to the voters must provide cost estimates for each project, including reasonable contingency costs. Plans submitted to the voters must provide that the maximum amount possible of the funds raised will be used to fund projects in the plan, including environmental improvements and mitigation, and that administrative costs be minimized. If actual revenue exceeds actual plan costs, the excess revenues must be used to retire any outstanding debt associated with the plan.

(4) If a county opts not to adopt the plan or participate in the regional transportation investment district, but two or more contiguous counties do choose to continue to participate, then the coordinating committee may, within ninety days, redefine the regional transportation investment plan and the ballot measure to be submitted to the people to reflect elimination of a county, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to adopt the redefined plan and participate. This action must be completed within sixty days after receipt of the redefined plan.

(5) Once adopted, the plan must be forwarded to the participating county legislative authorities to initiate the election process under section 107 of this act. The coordinating committee shall at the same time provide notice to each city and town within the district, the governor, the chairs of the transportation committees of the legislature, the secretary of transportation, and each legislator whose legislative district is partially or wholly within the boundaries of the district.

(6) If the ballot measure is not approved, the coordinating committee may redefine the selected projects, financing plan, and the ballot measure. The county legislative authorities may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at the next election or a special election. If no ballot measure is approved by the voters by the third vote, the coordinating committee is dissolved.

**NEW SECTION. Sec. 105. TAXES AND FEES.** (1) A regional transportation investment district coordinating committee may, as part of a regional transportation investment plan, recommend the imposition of some or all of the following revenue sources, which a regional transportation investment district may impose upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in section 504 of this act, of up to 0.5 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;

(b) A local option vehicle license fee, as specified under section 508 of this act, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060;

(e) An employer excise tax under RCW 81.100.030; and

(f) Vehicle tolls, but only on new facilities. Unless otherwise specified by law, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority.

(2) Taxes, fees, and tolls may not be imposed without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in section 107 of this act. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

(4)(a) The state sales and use taxes imposed and collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on initial construction for a project to be constructed under this chapter must be transferred to the project or identified as a credit on the project to defray costs or pay debt service on that project. In the case of a toll project, the transfer or credit must be used to lower the overall cost of the project and thereby the corresponding tolls.

(b) This transaction is exempt from the requirements in RCW 43.135.035(4).

(c) Government entities constructing projects under this chapter shall report to the department of revenue the amount of state sales or use tax covered under this subsection (4).

**NEW SECTION. Sec. 106. PERFORMANCE CRITERIA FOR REGIONAL PROJECT SELECTION.** (1) The coordinating committee shall consider the following criteria for selecting projects to improve corridor performance:

(a) Reduced level of congestion and improved safety;

(b) Improved travel time;

(c) Improved air quality;

(d) Increases in daily and peak period person and vehicle trip capacity;

(e) Reductions in person and vehicle delay;

(f) Improved freight mobility; and

(g) Cost-effectiveness of the investment.

(2) These criteria represent only minimum standards that must be considered in selecting transportation improvement projects. The board shall also consider rules and standards for benchmarks adopted by the transportation commission or its successor.

**NEW SECTION. Sec. 107. SUBMISSION OF PLAN TO THE VOTERS.** Two or more contiguous county legislative authorities, upon receipt of the regional transportation investment plan under section 104 of this act, may certify the plan to the ballot, including identification of the tax options necessary to fund the plan. County legislative authorities may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the plan before the voters of the proposed district for their approval or rejection as a single ballot measure that both approves formation of the district and approves the plan. Counties must negotiate interlocal agreements necessary to implement the plan. The electorate will be the voters voting within the boundaries of the participating

counties. A simple majority of the total persons voting on the single ballot measure to approve the plan, establish the district, and impose the taxes and fees is required for approval.

**NEW SECTION. Sec. 108. CERTIFICATION OF FORMATION.** If the voters approve the plan, including creation of a regional transportation investment district and imposition of taxes and fees, the district will be declared formed. The county election officials of participating counties shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the district declaring the district formed, and mail copies of the notice to the governor, the secretary of transportation, the executive director of the regional transportation planning organization, and the county treasurer who is serving as the district treasurer. A party challenging the procedure or the formation of a voter-approved district must file the challenge in writing by serving the prosecuting attorney of the participating counties and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the district's procedure or the valid formation.

**NEW SECTION. Sec. 109. BOARD COMPOSITION.** (1) The governing board of a district consists of the members of the legislative authority of each member county, acting ex officio and independently. The secretary of transportation or the appropriate regional administrator of the department, as named by the secretary, shall also serve as a nonvoting member of the board.

(2) A sixty-percent majority of the weighted votes of the total board membership is required to submit to the counties a modified plan under section 114 of this act or any other proposal to be submitted to the voters. The counties, may, with majority vote of each county legislative authority, submit a modified plan or proposal to the voters.

**NEW SECTION. Sec. 110. BOARD ORGANIZATION.** The board shall adopt rules for the conduct of business. The board shall adopt bylaws to govern district affairs, which may include:

- (1) The time and place of regular meetings;
- (2) Rules for calling special meetings;
- (3) The method of keeping records of proceedings and official acts;
- (4) Procedures for the safekeeping and disbursement of funds; and
- (5) Any other provisions the board finds necessary to include.

**NEW SECTION. Sec. 111. BOARD'S POWERS AND DUTIES.** (1) The governing board of the district is responsible for the execution of the voter-approved plan. The board shall:

- (a) Impose taxes and fees authorized by district voters;
- (b) Enter into agreements with state, local, and regional agencies and departments as necessary to accomplish district purposes and protect the district's investment in projects;
- (c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the district;
- (d) Monitor and audit the progress and execution of projects to protect the investment of the public and annually make public its findings;
- (e) Pay for services and enter into leases and contracts, including professional service contracts;
- (f) Hire no more than ten employees, including a director or executive officer, a treasurer or financial officer, a project manager or engineer, a project permit coordinator, and clerical staff; and
- (g) Exercise other powers and duties as may be reasonable to carry out the purposes of the district.

(2) It is the intent of the legislature that existing staff resources of lead agencies be used in implementing this chapter. A district may coordinate its activities with the department, which shall provide services, data, and personnel to assist as desired by the regional transportation investment district. Lead agencies for projects that are not state facilities shall also provide staff support for the board.

- (3) A district may not acquire, hold, or dispose of real property.
- (4) A district may not own, operate, or maintain an ongoing facility, road, or transportation system.
- (5) A district may accept and expend or use gifts, grants, or donations.

(6) It is the intent of the legislature that administrative and overhead costs of a regional transportation investment district be minimized. For projects costing up to fifty million dollars, administrative and overhead costs may not exceed three percent of the total construction and design project costs per year. For projects costing more than fifty million dollars, administrative and overhead costs may not exceed three percent of the first fifty million dollars in costs, plus an additional one-tenth of one percent of each additional dollar above fifty million. These limitations apply only to the district, and do not limit the administration or expenditures of the department.

(7) A district may use the design-build procedure for projects developed by it. As used in this section "design-build procedure" means a method of contracting under which the district contracts with another party for that party to both design and build the structures, facilities, and other items specified in the contract. The requirements and limitations of RCW 47.20.780 and 47.20.785 do not apply to the projects under this chapter.

**NEW SECTION. Sec. 112. TREASURER.** The regional transportation investment district, by resolution, shall designate a person having experience in financial or fiscal matters as treasurer of the district. The district may designate the treasurer of a county within which the district is located to act as its treasurer. Such a treasurer has all of the powers, responsibilities, and duties the county treasurer has related to investing surplus funds. The district shall require a bond with a surety company authorized to do business in this state in an amount and under the terms and conditions the district, by resolution, from time to time finds will protect the district against loss. The district shall pay the premium on the bond.

In addition to the account established in section 501 of this act, the treasurer may establish a special account, into which may be paid district funds. The treasurer may disburse district funds only on warrants issued by the district upon orders or vouchers approved by the district.

If the treasurer of the district is the treasurer of a county, all district funds must be deposited with a county depository under the same restrictions, contracts, and security as provided for county depositories. If the treasurer of the district is some other person, all funds must be deposited in a bank or banks authorized to do business in this state qualified for insured deposits under any federal deposit insurance act as the district, by resolution, designates.

The district may provide and require a reasonable bond of any other person handling moneys or securities of the district, but the district shall pay the premium on the bond.

**NEW SECTION. Sec. 113. DEBT AND BONDING.** The district may borrow money, but may not issue any debt of its own for more than two years' duration. A district may issue notes or other evidences of indebtedness with a maturity of not more than two years. A district may, when authorized by the plan, enter into agreements with the lead agencies to pledge taxes or other revenues of the district for the purpose of paying in part or whole principal and interest on bonds issued by the lead agency. The contracts pledging revenues and taxes are binding for the term of the agreement, but not to exceed twenty-five years, and no tax pledged by an agreement may be eliminated or modified if it would impair the pledge of the agreement.

**NEW SECTION. Sec. 114. PROJECT OR PLAN MODIFICATION--ACCOUNTABILITY.** (1) If a project cost exceeds its original cost by more than twenty percent as identified in the plan:

(a) The board shall, in coordination with the county legislative authorities, submit to the voters in the district a ballot measure that redefines the scope of the project, its schedule, or its costs. If the voters fail to approve the redefined project, the district shall terminate work on that project, except that the district may take reasonable steps to use, preserve, or connect any improvement already constructed. The remainder of any funds that would otherwise have been expended on the terminated project must first be used to retire any outstanding debt attributable to the plan and then may be used to implement the remainder of the plan.

- (b) Alternatively, upon adoption of a resolution by two or more participating counties:

(i) The counties shall submit to the voters in the district a ballot measure that redefines the scope of the plan, its projects, its schedule, or its costs. If the voters fail to approve the redefined plan, the district shall terminate work on that plan, except that the district may take reasonable steps to use, preserve, or connect any improvement already constructed. The remainder of any funds must be used to retire any outstanding debt attributable to the plan; or

(ii) The counties may elect to have the district continue the project without submitting an additional ballot proposal to the voters.

(2) To assure accountability to the public for the timely construction of the transportation improvement project or projects within cost projections, the district shall issue a report, at least annually, to the public and copies of the report to newspapers of record in the district. In the report, the district shall indicate the status of project costs, project expenditures, revenues, and construction schedules. The report may also include progress towards meeting the performance criteria provided under this chapter.

**NEW SECTION. Sec. 115. STATE DEPARTMENT OF TRANSPORTATION ROLE.** (1) The department shall designate an office or division of dedicated staff and services whose primary responsibility is to coordinate the design, preliminary engineering, permitting, financing, and construction of projects under consideration by a regional transportation investment district coordinating committee or that are part of a regional transportation investment plan being implemented by a regional transportation investment district.

(2) All of the powers granted the department under Title 47 RCW relating to highway construction may, at the request of a regional transportation investment district, be used to implement a regional transportation investment plan and construct transportation projects.

**NEW SECTION. Sec. 116. STATE OWNS IMPROVEMENTS TO STATE FACILITIES.** Any improvement to a state facility constructed under this chapter becomes and remains the property of this state.

**NEW SECTION. Sec. 117. DISSOLUTION.** Within thirty days of the completion of the construction of the project or series of projects forming the regional transportation investment plan, the district shall terminate day-to-day operations and exist solely as a limited entity that oversees the collection of revenue and the payment of debt service or financing still in effect, if any. The district shall accordingly adjust downward its employees, administration, and overhead expenses. Any taxes, fees, or tolls imposed under an approved plan terminate when the financing or debt service on the project or series of projects constructed is completed and paid, thirty days from which point the district shall dissolve itself and cease to exist. If there is no debt outstanding, then the district shall dissolve within thirty days from completion of construction of the project or series of projects forming the regional transportation investment plan. Notice of dissolution must be published in newspapers of general circulation within the district at least three times in a period of thirty days. Creditors must file claims for payment of claims due within thirty days of the last published notice or the claim is extinguished.

**NEW SECTION. Sec. 118. OTHER REGIONS.** The legislature finds that regional solutions to the state's transportation needs are of paramount concern. The legislature further recognizes that different areas of the state will need the flexibility to fashion local solutions to their transportation problems, and that regional transportation systems may evolve over time. Areas of the state outside of King, Snohomish, and Pierce counties are eligible for grants from the state of no more than one hundred fifty thousand dollars to study and develop regional transportation models. Regions electing to participate in this pilot program may form interlocal agreements within their regions and must develop a model that can be used within their region. Regions receiving these grants shall report to the transportation committees in the senate and house of representatives on the positive and negative aspects of the model as well as costs associated with it no later than June 30, 2003.

## II. JOINT BALLOT WITH RTA

**NEW SECTION. Sec. 201. JOINT BALLOT MEASURE.** At the option of the coordinating committee, and with the explicit approval of the regional transit authority, the participating counties may choose to impose any remaining high capacity transportation taxes under chapter 81.104 RCW that have not otherwise been used by a regional transit authority and submit to the voters a common ballot measure that creates the district, approves the regional transportation investment plan, implements the taxes, and implements any remaining high capacity transportation taxes within the boundaries of the regional transportation investment district. Collection and expenditures of any high capacity transportation taxes implemented under this section must be determined by agreement between the participating counties or district and the regional transit authority electing to submit high capacity transportation taxes to the voters under a common ballot measure as provided in this section. If the measure fails, all such unused high capacity transportation taxes revert back to and remain with the regional transit authority. A project constructed with this funding is not considered a "transportation project" under section 102 of this act.

**Sec. 202.** RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, and regional transportation investment districts acting with the agreement of an agency, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority or a regional transportation investment district. Regional transportation investment districts may, with the approval of the regional transit authority within its boundaries, impose the taxes authorized under this chapter, but only upon approval of the voters and to the extent that the maximum amount of taxes authorized under this chapter have not been imposed.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150, other than by regional transportation investment districts;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions shall retain control over

moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. The ballot title shall reference the document identified in subsection (8) of this section.

(8) Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

### III. CITY MVET FOR MONORAIL

**NEW SECTION. Sec. 301.** A new section is added to chapter 81.104 RCW to read as follows:

**MVET FOR CITY MONORAIL.** (1) The legislature finds that there is a need for large cities, with populations of five hundred thousand or more, at their option, to develop, construct, and operate intracity monorail systems within their boundaries to facilitate the movement of people and mitigate traffic congestion in highly urbanized areas.

(2) For the sole purposes of developing, constructing, or operating an intracity monorail system within its boundaries, a city with a population of five hundred thousand or more may, with voter approval, impose a motor vehicle excise tax, at a rate approved by the voters, but not exceeding one percent of the value of every motor vehicle owned by a person residing within the city and on the state sales and use taxes paid under the rate in RCW 82.08.020(2) on retail car rentals within the city. No tax may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090.

Before the effective date of the resolution or ordinance imposing the tax, cities imposing a tax under this section shall contract the administration and collection to the state department of licensing and department of revenue, as appropriate, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW, insofar as they apply to state motor vehicle excise taxes, also apply to taxes imposed under this section. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, insofar as they apply to state sales and use taxes, also apply to taxes imposed under this section.

### IV. HIGHWAYS OF STATEWIDE SIGNIFICANCE

**Sec. 401.** RCW 47.05.021 and 1998 c 245 s 95 and 1998 c 171 s 5 are each reenacted and amended to read as follows:

**LEGISLATURE MAY DESIGNATE HIGHWAYS OF STATEWIDE SIGNIFICANCE.** (1) The transportation commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, biennially and based thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) In making the functional classification the transportation commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

(3) The transportation commission or the legislature shall designate state highways of statewide significance under RCW 47.06.140 ~~(-and)~~. If the commission designates a state highway of statewide significance, it shall submit a list of such facilities for adoption by the ~~((1999))~~ legislature. This statewide system shall include at a minimum interstate highways and other statewide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The transportation commission shall designate a freight and goods transportation system. This statewide system shall include state highways, county roads, and city streets. The commission, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

**NEW SECTION. Sec. 402.** A new section is added to chapter 47.05 RCW to read as follows:

**DESIGNATION OF STATE ROUTE NUMBER 509.** The legislature designates that portion of state route number 509 that runs or will run from state route number 518 in the north to the intersection with interstate 5 in the south as a state highway of statewide significance.

## V. FINANCE

**NEW SECTION. Sec. 501. REGIONAL TRANSPORTATION INVESTMENT DISTRICT ACCOUNT.** The regional transportation investment district account is created in the custody of the state treasurer. The purpose of this account is to act as an account into which may be deposited state money, if any, that may be used in conjunction with district money to fund transportation projects. Additionally, the district may deposit funds into this account for disbursement, as appropriate, on transportation projects. Nothing in this section requires any state matching money. All money deposited in the regional transportation investment district account will be used for design, right of way acquisition, capital acquisition, and construction, or for the payment of debt service associated with these activities, for regionally funded projects developed under this chapter. Only the district may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

**Sec. 502.** RCW 47.56.075 and 1984 c 7 s 252 are each amended to read as follows:

**TOLL ROADS--REGIONAL TRANSPORTATION INVESTMENT DISTRICTS.** The department shall approve for construction only such toll roads as the legislature specifically authorizes or such toll facilities as are specifically sponsored by a regional transportation investment district, city, town, or county.

**Sec. 503.** RCW 43.84.092 and 2001 2nd sp. s. c 14 s 608, 2001 c 273 s 6, 2001 c 141 s 3, and 2001 c 80 s 5 are each reenacted and amended to read as follows:

**DEPOSIT OF SURPLUS BALANCE INVESTMENT EARNINGS--TREASURY INCOME ACCOUNT--ACCOUNTS AND FUNDS CREDITED. (EFFECTIVE MARCH 1, 2002.)** (1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public health supplemental account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 504.** A new section is added to chapter 82.14 RCW to read as follows:

**SALES AND USE TAX.** (1) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a sales and use tax of up to 0.5 percent of the selling price or value of the article used in the case of a use tax. The tax authorized by this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from

those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. Motor vehicles, as defined in RCW 46.04.320, are exempt from the sales and use tax imposed under this subsection.

(2) A use tax may be imposed on the privilege of using a motor vehicle within a regional transportation investment district. The tax applies to those persons who reside within the regional transportation investment district. The rate of the tax may not exceed 0.5 percent of the value of the motor vehicle. The tax authorized by this subsection is in addition to the tax authorized under RCW 82.14.030 and must be imposed and collected at the time a taxable event under RCW 82.08.020(1) or 82.12.020 takes place. All revenue received under this subsection must be deposited in the local sales and use tax account and distributed to the regional transportation investment district according to RCW 82.14.050. The following provisions apply to the use tax in this subsection:

(a) Where persons are taxable under chapter 82.08 RCW, the seller shall collect the use tax from the buyer using the collection provisions of RCW 82.08.050.

(b) Where persons are taxable under chapter 82.12 RCW, the use tax must be collected using the provisions of RCW 82.12.045.

(c) "Motor vehicle" has the meaning given in RCW 46.04.320.

(d) "Person" has the meaning given in RCW 82.04.030.

(e) The value of a motor vehicle must be determined under RCW 82.12.010.

(f) Except as specifically stated in this subsection (2), chapters 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW applies fully to the use tax.

**NEW SECTION. Sec. 505.** A new section is added to chapter 43.135 RCW to read as follows:

**SALES AND USE TAX CREDIT SHIFT.** A transfer or credit from the general fund of sales and use tax paid on a transportation project being constructed by a regional transportation investment district does not require a corresponding lowering of the state expenditure limit to reflect this shift for purposes of RCW 43.135.035(4).

**Sec. 506.** RCW 82.14.050 and 1999 c 165 s 14 are each amended to read as follows:

**CONTRACTS FOR COLLECTION OF SALES AND USE TAX.** The counties, cities, and transportation authorities under RCW 82.14.045 (~~and~~), public facilities districts under chapters 36.100 and 35.57 RCW, and regional transportation investment districts shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter (~~which~~) that is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, (~~and~~) public facilities districts, and regional transportation investment districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, (~~and~~) public facilities districts, and regional transportation investment districts monthly.

**NEW SECTION. Sec. 507.** A new section is added to chapter 82.32 RCW to read as follows:

**CREDIT ON SALES TAX ON TOLL PROJECTS.** (1) The tax imposed and collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on initial construction for a project to be constructed under chapter 36.-- RCW (sections 101 through 117, 201, and 501 of this act), must be transferred to the project or identified as a credit on the project to defray costs or pay debt service on that project. In the case of a toll project, this transfer or credit must be used to lower the overall cost of the project and thereby the corresponding tolls.

(2) This transaction is exempt from the requirements in RCW 43.135.035(4).

(3) Government entities constructing projects under chapter 36.-- RCW (sections 101 through 117, 201, and 501 of this act) shall report to the department the amount of state sales or use tax covered under this section.

**NEW SECTION. Sec. 508.** A new section is added to chapter 82.80 RCW to read as follows:

**LOCAL OPTION VEHICLE LICENSE FEE.** (1) Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may set and impose an annual local option vehicle license fee of a uniform amount of up to one hundred dollars per motor vehicle registered within the boundaries of the region on every motor vehicle, as defined in RCW 46.04.320. Vehicles registered under chapter 46.87 RCW and the International Registration Plan are exempt from the annual local option vehicle license fee set forth in this section. The department of licensing shall administer and collect this fee on behalf of regional transportation investment districts and remit this fee to the custody of the state treasurer for monthly distribution under RCW 82.80.080.

(2) The local option vehicle license fee applies only when establishing or renewing a vehicle registration. This fee is effective with the registration expiration date as provided by the department of licensing.

(3) A regional transportation investment district imposing the local option vehicle license fee or initiating an exemption process shall enter into a contract with the department of licensing. The contract must contain provisions that fully recover the costs to the department of licensing for collection and administration of the fee.

(4) A regional transportation investment district imposing the local option fee shall delay the effective date of the local option vehicle license fee imposed by this section at least six months from the date of the final certification of the approval election to allow the department of licensing to implement the administration and collection of or exemption from the fee.

**NEW SECTION. Sec. 509.** A new section is added to chapter 47.56 RCW to read as follows:

**AUTHORIZATION FOR DISTRICT TO IMPOSE TOLLS.** Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, and only for the purposes authorized in section 105(1)(g) of this act, a regional transportation investment district may impose vehicle tolls on state routes where improvements financed in whole or in part by a regional transportation investment district add additional lanes to a highway of statewide significance. The department shall administer the collection of vehicle tolls on designated facilities unless otherwise specified in law, and the state transportation commission, or its successor, shall be the tolling authority.

**Sec. 510.** RCW 47.56.075 and 1984 c 7 s 252 are each amended to read as follows:

**DEPARTMENT OF TRANSPORTATION AUTHORIZATION FOR DISTRICT TOLL FACILITIES.** The department shall approve for construction only such toll roads as the legislature specifically authorizes or such toll facilities as are specifically sponsored by a regional transportation investment district, city, town, or county.

**Sec. 511.** RCW 81.100.010 and 1990 c 43 s 12 are each amended to read as follows:

**DISTRICT AUTHORITY TO IMPOSE HIGH-OCCUPANCY VEHICLE TAXES.** The need for mobility, growing travel demand, and increasing traffic congestion in urban areas necessitate accelerated development and increased utilization of the high-occupancy vehicle system. RCW 81.100.030 and 81.100.060 provide taxing authority that counties or regional transportation investment districts can use in the near term to accelerate development and increase utilization of the high-occupancy vehicle system by supplementing available federal, state, and local funds.

**Sec. 512.** RCW 81.100.030 and 1991 c 363 s 153 are each amended to read as follows:

**DISTRICT AUTHORITY TO IMPOSE HIGH-OCCUPANCY VEHICLE EMPLOYER TAX.** (1) A county with a population of one million or more, or a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, and having within its boundaries existing or planned high-occupancy vehicle lanes on the state highway system, or a regional transportation investment district for capital improvements, but only to the extent that the tax has not already been

imposed by the county, may, with voter approval impose an excise tax of up to two dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees. In no event may the total taxes imposed under this section exceed two dollars per employee per month for any single employer. The county or investment district imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Counties or investment districts may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3) A county or investment district shall adopt rules (~~which~~) that exempt from all or a portion of the tax any employer that has entered into an agreement with the county or investment district that is designed to reduce the proportion of employees who drive in single-occupant vehicles during peak commuting periods in proportion to the degree that the agreement is designed to meet the goals for the employer's location adopted under RCW 81.100.040.

The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the county or investment district that the employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

If the tax authorized in RCW 81.100.060 is also imposed (~~by the county~~), the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under RCW 81.100.060.

**Sec. 513.** RCW 81.100.060 and 1998 c 321 s 34 are each amended to read as follows:

**DISTRICT AUTHORITY TO IMPOSE HIGH-OCCUPANCY VEHICLE MOTOR VEHICLE EXCISE TAX.** A county with a population of one million or more and a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, having within their boundaries existing or planned high-occupancy vehicle lanes on the state highway system, or a regional transportation investment district for capital improvements, but only to the extent that the surcharge has not already been imposed by the county, may, with voter approval, impose a local surcharge of not more than 13.64 percent on the state motor vehicle excise tax paid under RCW 82.44.020(1) on vehicles registered to a person residing within the county and on the state sales and use taxes paid under the rate in RCW 82.08.020(2) on retail car rentals within the county or investment district. A county may impose the surcharge only to the extent that it has not been imposed by the district. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090.

Counties or investment districts imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, and department of revenue, as appropriate, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to (~~state~~) motor vehicle excise taxes, be applicable to surcharges imposed under this section. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to state sales and use taxes, be applicable to surcharges imposed under this section.

If the tax authorized in RCW 81.100.030 is also imposed (~~by the county~~), the total proceeds from tax sources imposed under this section and RCW 81.100.030 each year shall not exceed the maximum amount which could be collected under this section.

**Sec. 514.** RCW 82.80.030 and 1990 c 42 s 208 are each amended to read as follows:

**DISTRICT AUTHORITY TO IMPOSE PARKING TAX.** (1) Subject to the conditions of this section, the legislative authority of a county (~~or~~) city, or district may fix and impose a parking tax on all persons engaged in a commercial parking business within its respective jurisdiction. The jurisdiction of a county, for purposes of this section, includes only the unincorporated area of the county. The jurisdiction of a city, or district includes only the area within its (~~incorporated~~) boundaries.

(2) In lieu of the tax in subsection (1) of this section, a city (~~or~~) a county in its unincorporated area, or a district may fix and impose a tax for the act or privilege of parking a motor vehicle in a facility operated by a commercial parking business.

The city (~~or~~) county, or district may provide that:

(a) The tax is paid by the operator or owner of the motor vehicle;

(b) The tax applies to all parking for which a fee is paid, whether paid or leased, including parking supplied with a lease of nonresidential space;

(c) The tax is collected by the operator of the facility and remitted to the city (~~or~~) county, or district;

(d) The tax is a fee per vehicle or is measured by the parking charge;

(e) The tax rate varies with zoning or location of the facility, the duration of the parking, the time of entry or exit, the type or use of the vehicle, or other reasonable factors; and

(f) Tax exempt carpools, vehicles with handicapped decals, or government vehicles are exempt from the tax.

(3) "Commercial parking business" as used in this section, means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged. "Commercial parking lot" means a covered or uncovered area with stalls for the purpose of parking motor vehicles.

(4) The rate of the tax under subsection (1) of this section may be based either upon gross proceeds or the number of vehicle stalls available for commercial parking use. The rates charged must be uniform for the same class or type of commercial parking business.

(5) The county (~~or~~) city, or district levying the tax provided for in subsection (1) or (2) of this section may provide for its payment on a monthly, quarterly, or annual basis. Each local government may develop by ordinance or resolution rules for administering the tax, including provisions for reporting by commercial parking businesses, collection, and enforcement.

(6) The proceeds of the commercial parking tax fixed and imposed by a city or county under subsection (1) or (2) of this section shall be used strictly for transportation purposes in accordance with RCW 82.80.070. The proceeds of the parking tax imposed by a district must be used as provided in chapter 36-- RCW (sections 101 through 117, 201, and 501 of this act).

**Sec. 515.** RCW 82.80.070 and 1991 c 141 s 4 are each amended to read as follows:

**REQUIRES THAT LOCAL OPTION TAXES IMPOSED BY DISTRICT BE USED FOR DISTRICT PROJECTS.** (1) The proceeds collected pursuant to the exercise of the local option authority of RCW 82.80.010, 82.80.020, 82.80.030, and 82.80.050 (hereafter called "local option transportation revenues") shall be used for transportation purposes only, including but not limited to the following: The operation and preservation of roads, streets, and other transportation improvements; new construction, reconstruction, and expansion of city streets, county roads, and state highways and other transportation improvements; development and implementation of public transportation and high-capacity transit improvements and programs; and planning, design, and acquisition of right of way and sites for such transportation purposes. The proceeds collected from excise taxes on the sale, distribution, or use of motor vehicle fuel and special fuel under RCW 82.80.010 shall be used exclusively for "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(2) The local option transportation revenues shall be expended for transportation uses consistent with the adopted transportation and land use plans of the jurisdiction expending the funds and consistent with any applicable and adopted regional transportation plan for metropolitan planning areas.

(3) Each local government with a population greater than eight thousand that levies or expends local option transportation funds, is also required to develop and adopt a specific transportation program that contains the following elements:

(a) The program shall identify the geographic boundaries of the entire area or areas within which local option transportation revenues will be levied and expended.

(b) The program shall be based on an adopted transportation plan for the geographic areas covered and shall identify the proposed operation and construction of transportation improvements and services in the designated plan area intended to be funded in whole or in part by local option transportation revenues and shall identify the annual costs applicable to the program.

(c) The program shall indicate how the local transportation plan is coordinated with applicable transportation plans for the region and for adjacent jurisdictions.

(d) The program shall include at least a six-year funding plan, updated annually, identifying the specific public and private sources and amounts of revenue necessary to fund the program. The program shall include a proposed schedule for construction of projects and expenditure of revenues. The funding plan shall consider the additional local tax revenue estimated to be generated by new development within the plan area if all or a portion of the additional revenue is proposed to be earmarked as future appropriations for transportation improvements in the program.

(4) Local governments with a population greater than eight thousand exercising the authority for local option transportation funds shall periodically review and update their transportation program to ensure that it is consistent with applicable local and regional transportation and land use plans and within the means of estimated public and private revenue available.

(5) In the case of expenditure for new or expanded transportation facilities, improvements, and services, priorities in the use of local option transportation revenues shall be identified in the transportation program and expenditures shall be made based upon the following criteria, which are stated in descending order of weight to be attributed:

(a) First, the project serves a multijurisdictional function;

(b) Second, it is necessitated by existing or reasonably foreseeable congestion;

(c) Third, it has the greatest person-carrying capacity;

(d) Fourth, it is partially funded by other government funds, such as from the state transportation improvement board, or by private sector contributions, such as those from the local transportation act, chapter 39.92 RCW; and

(e) Fifth, it meets such other criteria as the local government determines is appropriate.

(6) It is the intent of the legislature that as a condition of levying, receiving, and expending local option transportation revenues, no local government agency use the revenues to replace, divert, or loan any revenues currently being used for transportation purposes to nontransportation purposes. The association of Washington cities and the Washington state association of counties, in consultation with the legislative transportation committee, shall study the issue of nondiversion and make recommendations to the legislative transportation committee for language implementing the intent of this section by December 1, 1990.

(7) Local governments are encouraged to enter into interlocal agreements to jointly develop and adopt with other local governments the transportation programs required by this section for the purpose of accomplishing regional transportation planning and development.

(8) Local governments may use all or a part of the local option transportation revenues for the amortization of local government general obligation and revenue bonds issued for transportation purposes consistent with the requirements of this section.

(9) Subsections (1) through (8) of this section do not apply to a regional transportation investment district imposing a tax or fee under the local option authority of this chapter. Proceeds collected under the exercise of local option authority under this chapter by a district must be used in accordance with chapter 36.-- RCW (sections 101 through 117, 201, and 501 of this act). Proceeds collected under RCW 82.80.010 by a district must be used exclusively for "highway purposes," as that term is construed under Article II, section 40 of the Washington state Constitution.

**Sec. 516.** RCW 82.80.080 and 1998 c 281 s 2 are each amended to read as follows:

**LOCAL OPTION TAX REVENUE DISTRIBUTION.** (1) The state treasurer shall distribute revenues, less authorized deductions, generated by the local option taxes authorized in RCW 82.80.010 and 82.80.020, levied by counties to the levying counties, and cities contained in those counties, based on the relative per capita population. County population for purposes of this section is equal to one and one-half of the unincorporated population of the county. In calculating the distributions, the state treasurer shall use the population estimates prepared by the state office of financial management and shall further calculate the distribution based on information supplied by the departments of licensing and revenue, as appropriate.

(2) The state treasurer shall distribute revenues, less authorized deductions, generated by the local option taxes authorized in RCW 82.80.010 and 82.80.020 levied by qualifying cities and towns to the levying cities and towns.

(3) The state treasurer shall distribute to the district revenues, less authorized deductions, generated by the local option taxes under RCW 82.80.010 or fees under section 508 of this act levied by a district.

**NEW SECTION. Sec. 517.** A new section is added to chapter 82.80 RCW to read as follows:

**DISTRICT DEFINED FOR LOCAL TAXES.** For the purposes of this chapter, "district" means a regional transportation investment district created under chapter 36.-- RCW (sections 101 through 117, 201, and 501 of this act).

## VI. OTHER PROVISIONS

**NEW SECTION. Sec. 601.** CAPTIONS AND SUBHEADINGS. Captions and subheadings used in this act are not part of the law.

**NEW SECTION. Sec. 602.** TERMINATION OF DISTRICTS. Regional transportation investment districts and their powers and duties are terminated on June 30, 2006. However, nothing in this section may be construed as impairing a district created before June 30, 2006, from continuing to collect approved revenues and make payment on projects or debt incurred.

**NEW SECTION. Sec. 603.** CODIFICATION. Sections 101 through 117, 201, and 501 of this act constitute a new chapter in Title 36 RCW.

**NEW SECTION. Sec. 604.** SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 605.** NULL AND VOID. This act is null and void if a transportation revenue act containing new or additional revenue does not become law by December 31, 2002."

## MOTION

Senator Johnson moved that the following amendment by Senators Johnson, Zarelli, Eide and Keiser to the striking amendment be adopted:

On page 25, strike all of sub (1) to Sec. 509 (lines 12 - 23) and insert the following:

**"LOCAL OPTION VEHICLE LICENSE FEE.** (1) Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may set and impose an annual local option vehicle license fee, or a schedule of fees based upon the age of the vehicle, of up to one hundred dollars per motor vehicle registered within the boundaries of the region on every motor vehicle, as defined in RCW 46.04.320. Vehicles registered under chapter 46.87 RCW and the International Registration Plan are exempt from the annual local option vehicle license fee set forth in this section. The department of licensing shall administer and collect this fee on behalf of regional transportation investment districts and remit this fee to the custody of the state treasurer for monthly distribution under RCW 82.80.080."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Johnson, Zarelli, Eide and Keiser to the striking amendment by Senators McDonald, Horn, Kastama, McDonald, Rasmussen, Benton and Haugen to Second Substitute Senate Bill No. 6140.

The motion by Senator Johnson carried and the amendment to the striking amendment was adopted.

The President declared the question before the Senate to be the adoption of the striking amendment, as amended, to Second Substitute Senate Bill No. 6140.

The motion by Senator McDonald carried and the striking amendment, as amended, was adopted.

#### MOTION

On motion of Senator McDonald, the following title amendment was adopted;

On line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 81.104.140, 47.56.075, 82.14.050, 47.56.075, 81.100.010, 81.100.030, 81.100.060, 82.80.030, 82.80.070, and 82.80.080; reenacting and amending RCW 47.05.021 and 43.84.092; adding a new section to chapter 81.104 RCW; adding a new section to chapter 47.05 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.32 RCW; adding new sections to chapter 82.80 RCW; adding a new section to chapter 47.56 RCW; adding a new chapter to Title 36 RCW; and creating new sections."

#### MOTION

On motion of Senator McDonald, the rules were suspended, Engrossed Second Substitute Senate Bill No. 6140 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6140.

#### MOTION

On motion of Senator Eide, Senator Hargrove was excused.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6140 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 14; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Carlson, Costa, Eide, Fairley, Gardner, Hale, Haugen, Hewitt, Hochstatter, Horn, Johnson, Kastama, Keiser, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Poulsen, Prentice, Rasmussen, Sheahan, Shin, Snyder, Spanel, Swecker, West, Winsley and Zarelli - 31.

Voting nay: Senators Brown, Franklin, Fraser, Honeyford, Jacobsen, Kline, Kohl-Welles, Oke, Regala, Roach, Sheldon, B., Sheldon, T., Stevens and Thibaudeau - 14.

Excused: Senators Deccio, Finkbeiner, Hargrove and Rossi - 4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:10 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, January 28, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

THIRTEENTH DAY, JANUARY 26, 2002

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#### FIFTEENTH DAY

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NOON SESSION  
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Senate Chamber, Olympia, Monday, January 28, 2002

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

#### MOTION

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

#### MOTION

On motion of Senator Costa, and pursuant to Rule 46, the Committee on Labor, Commerce and Financial Institutions was granted permission to meet during session.

EDITOR'S NOTE: Senate Rule 46 states: 'No committee shall sit during the daily session of the Senate unless by special leave.'

#### REPORTS OF STANDING COMMITTEES

SB 6420 Prime Sponsor, Senator Rasmussen: Regulating organic food products. Reported by Committee on Agriculture and International Trade January 25, 2002

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SJM 8029 Prime Sponsor, Senator Kohl-Welles: Petitioning to end restrictions on trade with Cuba. Reported by Committee on Agriculture and International Trade January 25, 2002

MAJORITY Recommendation: That Substitute Senate Joint Memorial No. 8029 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

SCR 8406 Prime Sponsor, Senator Shin: Encouraging legislator trade mission participation. Reported by Committee on Agriculture and International Trade January 25, 2002

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder and Swecker.

Passed to Committee on Rules for second reading.

#### INTRODUCTION AND FIRST READING

SB 6701 by Senators Stevens, T. Sheldon, West, Hale, Zarelli, Hewitt, Sheahan, Honeyford, Morton, Long, Swecker, Hochstatter, Oke and Parlette

AN ACT Relating to creating the office of ombudsman for effective government; adding a new chapter to Title 43 RCW; and providing an expiration date.  
Referred to Committee on State and Local Government.

SB 6702 by Senators Stevens, Hargrove, Long, Costa, Franklin, Kohl-Welles, Carlson, Hewitt, Kastama, Johnson, Shin, Swecker, Hale, Rossi, Oke, Zarelli, McCaslin, Horn, Thibaudeau, West, Deccio, Rasmussen, Parlette, Sheahan, Benton, McDonald, Roach, T. Sheldon, Hochstatter, Honeyford, Morton, Finkbeiner and Winsley

AN ACT Relating to protecting sibling relationships; and amending RCW 13.34.025, 13.34.060, 13.34.065, 13.34.130, 13.34.260, and 74.13.065.  
Referred to Committee on Human Services and Corrections.

SB 6703 by Senators Rasmussen, Hochstatter, Shin, Sheahan, Swecker, Hewitt, Honeyford and Hale

AN ACT Relating to agricultural liens; and amending RCW 60.13.040 and 60.13.060.  
Referred to Committee on Agriculture and International Trade.

SB 6704 by Senators Kline, Hargrove, Kastama, Winsley, Oke, Keiser and Johnson

AN ACT Relating to the state's measured response to terrorism; amending RCW 9.94A.535 and 9A.04.080; reenacting and amending RCW 9.94A.030 and 9.94A.515; adding a new section to chapter 9.94A RCW; adding a new section to chapter 69.40 RCW; adding a new section to chapter 70.98 RCW; adding a new chapter to Title 9A RCW; repealing RCW 69.40.010, 69.40.015, 69.40.020, and 69.40.025; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 6705 by Senators Costa, Parlette and Winsley

AN ACT Relating to payment for state-contracted long-term care services; and amending RCW 74.39A.030, 74.46.620, and 74.46.630.  
Referred to Committee on Health and Long-Term Care.

SB 6706 by Senators Swecker, Carlson, Hewitt, McDonald, Gardner, Keiser, Costa, Winsley, Oke and Hale

AN ACT Relating to public hearings on ballot measures; amending RCW 43.07.030, 29.81.220, 42.17.130, and 42.52.180; adding a new section to chapter 43.07 RCW; and creating a new section.  
Referred to Committee on State and Local Government.

SB 6707 by Senators Jacobsen, Horn and Kohl-Welles (by request of Governor Locke)

AN ACT Relating to tuition-setting authority and accountability for the use of tuition at institutions of higher education; amending RCW 28B.15.031, 28B.15.066, 28B.15.067, 28B.15.069, and 28B.15.100; adding a new section to chapter 28B.15 RCW; and creating a new section.  
Referred to Committee on Higher Education.

SB 6708 by Senator Sheahan

AN ACT Relating to exempting rural counties and cities from payment of fees to the department of revenue for administering and collecting sales and use taxes; amending RCW 82.14.050; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 6709 by Senators Eide, Costa, Rasmussen, Thibaudeau, Prentice, Fraser, Kohl-Welles, McAuliffe, Haugen and Keiser

AN ACT Relating to coordinated service and education planning for children in out-of-home care; adding a new section to chapter 74.13 RCW; and providing an expiration date.  
Referred to Committee on Human Services and Corrections.

SB 6710 by Senators Carlson, Kohl-Welles and Winsley

AN ACT Relating to the tax treatment of boarding homes; and creating a new section.  
Referred to Committee on Ways and Means.

SB 6711 by Senators Thibaudeau, Fairley, Jacobsen, Kohl-Welles and Kline

AN ACT Relating to providing the necessary revenues for the support of health care for the citizens of Washington state; amending RCW 82.03.130, 82.03.140, 48.14.080, 82.04.4328, 82.04.260, 82.04.4289, 82.08.150, and 66.24.290; adding a new section to chapter 82.04 RCW; adding a new title to the Revised Code of Washington to be codified as Title 82A RCW; creating new sections; repealing RCW 48.14.0201, 82.04.220, 82.04.230, 82.04.240, 82.04.2403, 82.04.250, 82.04.255, 82.04.270, 82.04.280, 82.04.290, 82.04.290, 82.04.293, 82.04.297, 82.04.310, 82.04.312, 82.04.312, 82.04.315, 82.04.317, 82.04.320, 82.04.322, 82.04.324, 82.04.327, 82.04.330, 82.04.333, 82.04.335, 82.04.337, 82.04.339, 82.04.3395, 82.04.340, 82.04.350, 82.04.355, 82.04.360, 82.04.363, 82.04.367, 82.04.368, 82.04.370, 82.04.380, 82.04.385, 82.04.390, 82.04.392, 82.04.395, 82.04.397, 82.04.399, 82.04.405, 82.04.408, 82.04.410, 82.04.415, 82.04.418, 82.04.419, 82.04.421, 82.04.423, 82.04.425, 82.04.4271, 82.04.4281, 82.04.4282, 82.04.4283, 82.04.4284, 82.04.4285, 82.04.4286, 82.04.4287, 82.04.4291, 82.04.4292, 82.04.4293, 82.04.4294, 82.04.4295, 82.04.4296, 82.04.4297, 82.04.4298, 82.04.431, 82.04.432, 82.04.4322, 82.04.4324, 82.04.4326, 82.04.4327, 82.04.4329, 82.04.433, 82.04.4331, 82.04.4333, 82.04.434, 82.04.440, 82.04.4451, 82.04.4452, 82.04.4453, 82.04.4454, 82.04.460, 82.04.480, 82.04.500, 82.04.510, 82.04.600, 82.04.900, 82.04.331, 82.04.332, 82.04.3651, 82.04.394, 82.04.416, 82.04.44525,

82.16.010, 82.16.020, 82.16.030, 82.16.040, 82.16.042, 82.16.047, 82.16.048, 82.16.049, 82.16.050, 82.16.053, 82.16.055, 82.16.060, 82.16.080, 82.16.090, and 82.16.046; prescribing penalties; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 6712 by Senators Morton, Hewitt, Hochstatter, Parlette, Honeyford and Roach

AN ACT Relating to livestock damage; and adding a new section to chapter 77.12 RCW.  
Referred to Committee on Agriculture and International Trade.

SB 6713 by Senators Jacobsen and Prentice

AN ACT Relating to voluntary payroll deductions; amending RCW 42.17.680; and providing an effective date.  
Referred to Committee on State and Local Government.

SB 6714 by Senators Jacobsen and Prentice

AN ACT Relating to voluntary payroll deductions; amending RCW 41.04.230; and providing an effective date.  
Referred to Committee on State and Local Government.

SB 6715 by Senators T. Sheldon, Parlette, Winsley, Honeyford and Carlson

AN ACT Relating to establishing a long-term care quality fund; adding a new section to chapter 74.39A RCW; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 6716 by Senators Parlette and Franklin

AN ACT Relating to federal waiver requests affecting the medical assistance program; and adding a new section to chapter 43.20A RCW.  
Referred to Committee on Health and Long-Term Care.

SB 6717 by Senators Fraser and Morton

AN ACT Relating to clarifying amendatory language of chapter 237, Laws of 2001; amending RCW 90.82.040, 90.82.085, and 90.03.380; and adding a new section to chapter 90.82 RCW.  
Referred to Committee on Environment, Energy and Water.

SB 6718 by Senators Fraser, Finkbeiner, Regala, Keiser, Jacobsen, Poulsen and Franklin

AN ACT Relating to state government as a leader in clean energy consumption; amending RCW 43.21F.015 and 43.21F.045; adding new sections to chapter 43.21F RCW; and creating a new section.  
Referred to Committee on Environment, Energy and Water.

#### MOTION

At 12:02 p.m., on motion of Senator Costa, the Senate adjourned until 12:00 noon, Tuesday, January 29, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

FIFTEENTH DAY, JANUARY 28, 2002

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**SIXTEENTH DAY**

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NOON SESSION

Senate Chamber, Olympia, Tuesday, January 29, 2002  
The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 2002  
SB 5262 Prime Sponsor, Senator Kline: Changing threshold property values for crimes against property. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5262 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Long, McCaslin, Poulsen and Thibaudeau.

Passed to Committee on Rules for second reading.

January 28, 2002  
SB 5670 Prime Sponsor, Senator Costa: Changing provisions relating to operating a vessel while under the influence of intoxicating liquor or any drug. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5670 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Long, McCaslin, Poulsen and Thibaudeau.

Passed to Committee on Rules for second reading.

January 28, 2002  
SB 5797 Prime Sponsor, Senator Prentice: Authorizing advanced registered nurse practitioners to examine, diagnose, and treat injured workers covered by industrial insurance. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5797 be substituted therefor, and the second substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley.

Passed to Committee on Rules for second reading.

January 28, 2002  
SB 5833 Prime Sponsor, Senator Costa: Permitting legislative hearings on initiatives and referendums. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser and Kline.

MINORITY Recommendation: Do not pass. Signed by Senators Horn, McCaslin and T. Sheldon.

Passed to Committee on Rules for second reading.

January 28, 2002  
SB 6289 Prime Sponsor, Senator Fairley: Specifying qualifications for adult family home providers and resident managers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6289 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

January 28, 2002  
SB 6299 Prime Sponsor, Senator Jacobsen: Setting fees for the production of duplicate fish and wildlife license documents. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Oke, Snyder and Spanel.

Referred to Committee on Ways and Means.

January 28, 2002

SB 6300 Prime Sponsor, Senator Jacobsen: Requiring a recreational fishing license for smelt. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 6300 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, Morton, Oke and Spanel.

Referred to Committee on Ways and Means.

January 28, 2002

SB 6301 Prime Sponsor, Senator Oke: Allowing the issuance of a group fishing permit to a facility. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 6301 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Oke, Snyder and Spanel.

Passed to Committee on Rules for second reading.

January 28, 2002

SB 6318 Prime Sponsor, Senator Keiser: Restricting city charter elections. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6318 be substituted therefor, and the substitute bill do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Haugen, Keiser, Kline and Swecker.

Passed to Committee on Rules for second reading.

January 28, 2002

SB 6322 Prime Sponsor, Senator Gardner: Updating vote recording and reporting. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser, Kline and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Horn, McCaslin and T. Sheldon.

Referred to Committee on Ways and Means.

January 28, 2002

SB 6330 Prime Sponsor, Senator Regala: Revising provisions relating to metropolitan park districts. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Oke, Snyder and Spanel.

Passed to Committee on Rules for second reading.

January 28, 2002

SB 6427 Prime Sponsor, Senator B. Sheldon: Transferring risk management functions from the department of general administration to the office of financial management. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 28, 2002

SB 6642 Prime Sponsor, Senator Prentice: Regulating negotiations between health providers and health carriers. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That the bill be referred to Committee on Labor, Commerce and Financial Institutions without recommendation. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa and Fraser.

Referred to Committee on Labor, Commerce and Financial Institutions.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

GA 9029 WILLIAM J. McDOWELL, appointed February 2, 2000, for a term ending September 30, 2003, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15. Reported by Committee on Higher Education January 28, 2002

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen and McAuliffe.

Passed to Committee on Rules.

GA 9168 GRACE T. YUAN, reappointed October 1, 2000, for a term ending September 30, 2006, as a member of the Board of Trustees for Western Washington University. Reported by Committee on Higher Education January 28, 2002

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

GA 9179 PAUL L. HUTTON, reappointed May 17, 2001, for a term ending April 3, 2005, as a member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education January 28, 2002

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

GA 9180 HEYWARD WATSON, reappointed April 18, 2001, for a term ending March 26, 2005, as a member of the Higher Education Facilities Authority. Reported by Committee on Higher Education January 28, 2002

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

GA 9181 PATRICK J. OSHIE, appointed June 22, 2001, for a term ending January 1, 2007, as a member of the Utilities and Transportation Commission. Reported by Committee on Economic Development and Telecommunications January 28, 2002

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators T. Sheldon, Chair; Brown, Fairley, Finkbeiner, McCaslin, Rossi and Stevens.

Passed to Committee on Rules.

GA 9182 JAMES P. DAWSON, reappointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Pierce Community College District No. 11. Reported by Committee on Higher Education January 28, 2002

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9183 JEFFREY R. KELLY, appointed June 1, 2001, for a term ending May 31, 2002, as a member of the Board of Trustees for Western Washington University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9185 JENNA TINKLE, appointed June 1, 2001, for a term ending May 31, 2002, as a member of the Board of Trustees for Eastern Washington University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9191 LARRY BROWN, reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Green River Community College District No. 10.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9194 DENNIS R. COLWELL, reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9195 PETE CRANE, reappointed July 25, 2001, for a term ending September 30, 2005, as a member of the Board of Trustees for Olympic Community College District No. 3.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9196 J. MICHAEL EMERSON, reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Highline Community College District No. 9.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9197 PETER J. GOLDMARK, appointed October 29, 2001, for a term ending September 30, 2007, as a member of the Board of Regents for Washington State University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9200 JERRY R. HENDRICKSON, reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Walla Walla Community College District No. 20.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9201 SHERYL S. HERSHEY, reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Bellingham Technical College District No. 25.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9202 STEVEN R. HILL, appointed October 29, 2001, for a term ending September 30, 2007, as a member of the Board of Regents for Washington State University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9206 RONALD W. JOHNSON, reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Peninsula Community College District No. 1.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9207 TOM KNEESHAW, reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9209 KENNETH J. MARTIN, appointed October 1, 2001, for a term ending September 30, 2007, as a member of the Board of Trustees for Central Washington University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9217 JOSE RUIZ, reappointed May 17, 2001, for a term ending April 3, 2005, as a member of the State Board for Community and Technical Colleges.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9218 JOEL ROBERT RUPLEY, reappointed September 28, 2001, for a term ending January 1, 2007, as a member of the Forest Practices Appeals Board.  
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Oke, Snyder and Spanel.

Passed to Committee on Rules.

January 28, 2002

GA 9219 YVONNE SANCHEZ, reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

January 28, 2002

GA 9221 PHYLLIS S. SELF, reappointed October 1, 2001, for a term ending September 30, 2006, as a member of the Board of Trustees for Whatcom Community College District No. 21.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe and Parlette.

Passed to Committee on Rules.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
Department of Social and Health Services  
Olympia, Washington 98504-5000

January 28, 2002

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

Dear Mr. Cook:

Enclosed is the Department's Report to the Legislature entitled "Foster Care Program Federal Earnings Plan." It is mandated under Chapter 7, Laws of 2001, E2, Section 202(8).

Please call Tammi Erickson at (360) 902-7936 if you have questions regarding the report.

Sincerely,  
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on the "Foster Care Program Federal Earnings Plan" is on file in the Office of the Secretary of the Senate.

#### MESSAGES FROM THE HOUSE

January 28, 2002

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2304 and passed the bill as amended by the Senate.

CYNTHIA ZEHNDER, Chief Clerk

January 29, 2002

MR. PRESIDENT:

The Speaker has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2304 and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2304.

#### INTRODUCTION AND FIRST READING

SB 6719 by Senators Winsley, Prentice and Eide

AN ACT Relating to municipal courts; and amending RCW 3.46.050, 3.50.010, 3.50.040, and 3.50.050.  
Referred to Committee on Judiciary.

SB 6720 by Senators Thibaudeau, Deccio and Winsley (by request of Governor Locke)

AN ACT Relating to technical and clarifying amendments to Initiative 775; amending RCW 74.39A.230, 74.39A.250, 74.39A.270, 74.39A.280, and 74.39A.300; and providing an effective date.  
Referred to Committee on Health and Long-Term Care.

SB 6721 by Senators West, Brown, Snyder and Kohl-Welles (by request of University of Washington)

AN ACT Relating to research by state universities; amending RCW 28B.10.022 and 39.94.040; and adding a new chapter to Title 28B RCW.  
Referred to Committee on Ways and Means.

SB 6722 by Senators T. Sheldon, Winsley and Rasmussen

AN ACT Relating to mitigating the effects of the aquatic herbicide general permit required as a result of a recent federal court decision; amending RCW 90.48.465; creating a new section; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6723 by Senators Honeyford, Rasmussen, Hochstatter and Winsley

AN ACT Relating to management of claims of insolvent self-insurers; and amending RCW 51.14.077.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6724 by Senators Keiser, Long, Thibaudeau, Prentice, Roach and Kohl-Welles

AN ACT Relating to mental health professionals under industrial insurance; amending RCW 51.04.030; and providing an effective date.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6725 by Senators Rasmussen, Swecker and Sheahan

AN ACT Relating to acts of violence against agricultural research and agricultural production facilities; amending RCW 4.24.630; creating a new section; and prescribing penalties. Referred to Committee on Agriculture and International Trade.

SB 6726 by Senators Rasmussen and Honeyford

AN ACT Relating to complaints against dairy farms; amending RCW 90.64.030; and adding a new section to chapter 43.21A RCW. Referred to Committee on Agriculture and International Trade.

MOTION

At 12:05 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, January 30, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTEENTH DAY, JANUARY 29, 2002

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**SEVENTEENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Wednesday, January 30, 2002

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner and Parlette.

The Sergeant at Arms Color Guard, consisting of Pages Damon Call and Emily Chamberlain, presented the Colors. Reverend Arthur Vaeni, a minister with the Unitarian Universalist Congregation in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 6003 Prime Sponsor, Senator Morton: Clarifying commercial driver's license exemptions. Reported by Committee on Transportation  
January 29, 2002

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Finkbeiner, Horn, Jacobsen, Kastama, McAuliffe, McDonald, Oke, Prentice, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

SB 6242 Prime Sponsor, Senator Johnson: Modifying the definition of nonprobate asset. Reported by Committee on Judiciary  
January 28, 2002

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, Poulsen and Thibaudeau.

Passed to Committee on Rules for second reading.

SB 6266 Prime Sponsor, Senator Johnson: Updating creditor/debtor personal property exemptions. Reported by Committee on Judiciary  
January 28, 2002

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Johnson, McCaslin, Poulsen and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 2002

SB 6278 Prime Sponsor, Senator Kline: Serving child support documents to financial institutions. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6278 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Long, Poulsen and Thibaudeau.

Passed to Committee on Rules for second reading.

January 28, 2002

SB 6290 Prime Sponsor, Senator Kline: Regarding ex parte protection orders. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Costa, Hargrove, McCaslin, Poulsen and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senator Kastama, Vice Chair.

Passed to Committee on Rules for second reading.

January 28, 2002

SB 6292 Prime Sponsor, Senator Kline: Authorizing lay judicial officers. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Johnson, Poulsen and Thibaudeau.

Passed to Committee on Rules for second reading.

January 28, 2002

SB 6293 Prime Sponsor, Senator Kline: Hearing certain criminal actions by video or other electronic means. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Johnson, Long, McCaslin, Poulsen and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 2002

SB 6317 Prime Sponsor, Senator Kline: Awarding costs to the prevailing party for enforcement of the judgment in small claims cases. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6352 Prime Sponsor, Senator Gardner: Preventing masking of commercial drivers' offenses. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Finkbeiner, Horn, Jacobsen, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

January 28, 2002

SB 6401 Prime Sponsor, Senator Kline: Standardizing references to county clerks. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, Poulsen, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

January 28, 2002

SB 6404 Prime Sponsor, Senator Jacobsen: Modifying sheriff duties. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6404 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Poulsen and Thibaudeau.

Passed to Committee on Rules for second reading.

January 28, 2002

SB 6417 Prime Sponsor, Senator Johnson: Regarding the filing of wills in superior court. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, Poulsen, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6461 Prime Sponsor, Senator Gardner: Strengthening procedures for disqualification of drinking or drugged commercial drivers. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6461 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Finkbeiner, Horn, Jacobsen, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6463 Prime Sponsor, Senator Gardner: Requiring English language ability for a commercial driver's license. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6463 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Finkbeiner, Kastama, Keiser, McDonald, Oke and T. Sheldon.

Passed to Committee on Rules for second reading.

January 28, 2002

SB 6490 Prime Sponsor, Senator Roach: Increasing penalties for taking a motor vehicle without permission. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

Referred to Committee on Ways and Means.

January 29, 2002

SB 6557 Prime Sponsor, Senator Kohl-Welles: Providing for the higher education coordinating board to select its chair and vice-chair. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6490 was referred to the Committee on Ways and Means.

MESSAGE FROM THE HOUSE

January 29, 2002

MR. PRESIDENT:

The House has passed:  
HOUSE BILL NO. 1179,  
HOUSE BILL NO. 1196,  
SUBSTITUTE HOUSE BILL NO. 1469,  
HOUSE BILL NO. 2299,  
HOUSE BILL NO. 2302,  
HOUSE BILL NO. 2303,  
HOUSE BILL NO. 2310,  
ENGROSSED HOUSE BILL NO. 2399, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6727 by Senators Poulsen, Keiser and Prentice

AN ACT Relating to the protection of salmon spawning beds; adding a new section to chapter 77.95 RCW; and prescribing penalties.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6728 by Senators Costa, Hargrove, Winsley and Kohl-Welles

AN ACT Relating to purchase of articles or products from inmate work programs; and amending RCW 43.19.534.  
Referred to Committee on Human Services and Corrections.

SB 6729 by Senators Winsley, Rasmussen and Franklin

AN ACT Relating to public safety services provided to state hospitals; and amending RCW 35.21.779.  
Referred to Committee on Human Services and Corrections.

SB 6730 by Senators Hochstatter, Hewitt and Stevens

AN ACT Relating to state agency liability; and adding a new section to chapter 4.92 RCW.  
Referred to Committee on Ways and Means.

SB 6731 by Senators Kline and Rasmussen (by request of Governor Locke and Attorney General Gregoire)

AN ACT Relating to criminal penalties for terrorism offenses; amending RCW 9A.82.090, 9A.82.100, 9A.82.120, 10.95.040, and 9A.04.080; reenacting and amending RCW 9A.82.010 and 9.94A.515; adding a new section to chapter 10.95 RCW; adding a new chapter to Title 9A RCW; prescribing penalties; and declaring an emergency.  
Referred to Committee on Judiciary.

SB 6732 by Senators Kline, Winsley, Costa, Long, Fairley and Kohl-Welles

AN ACT Relating to early termination of rental agreements; adding new sections to chapter 59.18 RCW; repealing RCW 59.18.356; and declaring an emergency.  
Referred to Committee on Judiciary.

SB 6733 by Senators Thibaudeau, Deccio, Kohl-Welles, Prentice and Rasmussen

AN ACT Relating to extending service choices for people with developmental disabilities including those living in their own homes; amending RCW 71A.16.010 and 71A.16.030; adding new sections to chapter 71A.20 RCW; and repealing 1998 c 216 s 9 (uncodified).  
Referred to Committee on Health and Long-Term Care.

SB 6734 by Senators Brown and Prentice

AN ACT Relating to connection of mobile home parks to public sewer systems; and amending RCW 35.67.370.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6735 by Senators Rasmussen, Prentice, Benton, Keiser, Hochstatter, Honeyford, Winsley, Gardner and Regala

AN ACT Relating to direct deposit of unemployment compensation benefits; and adding a new section to chapter 50.20 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6736 by Senator Shin

AN ACT Relating to tuition-setting authority at institutions of higher education; and amending RCW 28B.15.031, 28B.15.066, and 28B.15.067.  
Referred to Committee on Higher Education.

SB 6737 by Senator Fraser

AN ACT Relating to coordinating implementation of watershed plans; adding new sections to chapter 90.54 RCW; and creating a new section.  
Referred to Committee on Environment, Energy and Water.

SB 6738 by Senators Prentice and Winsley

AN ACT Relating to payment of insurance claims; and adding a new chapter to Title 48 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6739 by Senator Horn

AN ACT Relating to tuition at institutions of higher education; amending RCW 28B.15.066 and 28B.15.067; and adding a new section to chapter 28B.15 RCW.  
Referred to Committee on Higher Education.

SB 6740 by Senators Rasmussen, Swecker, Shin and Parlette

AN ACT Relating to irrigation districts' acceptance of methods of payment; and adding a new section to chapter 87.03 RCW.  
Referred to Committee on Agriculture and International Trade.

SB 6741 by Senators Honeyford, Parlette, Morton, Hewitt, Hale, T. Sheldon, Hochstatter, Sheahan, Deccio and Rasmussen

AN ACT Relating to creating a water commission; and adding a new chapter to Title 90 RCW.  
Referred to Committee on Environment, Energy and Water.

SCR 8426 by Senators Kohl-Welles, Winsley, Thibaudeau, McAuliffe, Franklin, Fairley and Fraser

Creating the Joint Select Committee on Indoor Mold Contamination.

Referred to Committee on Health and Long-Term Care.

SCR 8427 by Senators Carlson and Zarelli

Modifying districts eighteen and forty-nine in the plan for legislative redistricting.

Referred to Committee on State and Local Government.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1179 by Representatives Ericksen, Lovick, G. Chandler and O'Brien

Strengthening procedures for disqualification of drinking or drugged commercial drivers.

Referred to Committee on Transportation.

HB 1196 by Representatives Gombosky, Mulliken, Dunshee and Cox

Modifying parking and business improvement areas.

Referred to Committee on State and Local Government.

SHB 1469 by House Committee on Health Care (originally sponsored by Representatives Campbell and Cody)

Dispensing controlled substance orders and prescriptions.

Referred to Committee on Health and Long-Term Care.

HB 2299 by Representatives Esser, Lantz and Benson

Defining person under the business corporation act, uniform limited partnership act, and limited liability company act.

Referred to Committee on Judiciary.

HB 2302 by Representatives Conway, Wood, Kenney and Edwards (by request of Employment Security Department)

Modifying certain application methods for unemployment insurance.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 2303 by Representatives Conway, Wood and Kenney (by request of Employment Security Department)

Correcting rate class 16 in schedule B.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 2310 by Representatives Jackley, Sump, Doumit, Rockefeller and Eickmeyer (by request of Department of Natural Resources)

Determining a "highest responsible bidder" for valuable materials on state-owned lands.

Referred to Committee on Natural Resources, Parks and Shorelines.

EHB 2399 by Representatives Rockefeller, Doumit, Jackley, Chase, McDermott and Haigh (by request of Department of Natural Resources)

Modifying provisions concerning Class IV forest practices.

Referred to Committee on Natural Resources, Parks and Shorelines.

#### MOTION

On motion of Senator Costa, the following resolution was adopted:

#### SENATE RESOLUTION 8721

By Senators Costa, McAuliffe, Kastama, Long, Shin, Stevens, Poulsen, Kline, Oke, Roach, Zarelli, Spanel, Franklin, Sheldon, B., Sheahan, Eide, Rasmussen and Kohl-Welles

WHEREAS, The USS Ingraham represents the United States government and its citizens as naval ambassador; and  
WHEREAS, The USS Ingraham was the final ship built in the Oliver Hazard Perry Class of guided missile frigates, which consists of fifty-one ships, making it the largest single class of warships built by a Western Navy since World War II; and

WHEREAS, With its anti-submarine warfare system, high speed and quick reaction, this warship is a valuable asset in today's multi-threat environment; and

WHEREAS, On July 24, 2001, the USS Ingraham left Naval Station Everett for the Persian Gulf to enforce United Nations sanctions against Iraq; and

WHEREAS, Within a couple of days of the deplorable events of September 11, the USS Ingraham, as a part of the Carl Vinson Battle Group, was on station to conduct air strikes when ordered; and

WHEREAS, Some two hundred and forty-two officers and crew members--including a San Diego-based helicopter detachment of twenty-four men, three midshipmen from the United States Naval Academy and a chaplain from Destroyer Squadron Nine--joined the Ingraham for its operations; and

WHEREAS, The Ingraham personnel provided defensive actions for the Peliliu Amphibious Ready Group; escorted ammunition ships, oilers and food storage vessels through the Strait of Hormuz; and brought goods to the battle groups conducting strikes against al Qaida members; and

WHEREAS, Off the coast of Iraq, the USS Ingraham prevented the illegal flow of weapons, banned chemicals and other items targeted for military purposes; and

WHEREAS, By boarding and searching hundreds of vessels, the Navy Seals Teams, Marine Units and the USS Ingraham worked cooperatively to close possible escape routes to Osama bin Laden and his leadership figures;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate do hereby recognize and appreciate the sacrifices made by military personnel aboard the USS Ingraham and the families they left behind; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Naval Station Everett and the USS Ingraham.

Senators Costa, Oke and McCaslin spoke to Senate Resolution 8721.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Captain Kersh, from the USS Ingraham, who was seated on the rostrum.

With permission of the Senate, business was dispensed with to allow Captain Kersh to address the Senate.

The President also welcomed and introduced Master Chief Cannuli, a crew member on the USS Ingraham, also seated on the rostrum.

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. As a former Seaman and Radio Operator, Second Class, in the big one, I can assure you that I can't fit into my uniform. As a matter of fact, when I went to college, my wife cut up my P Coat and my old uniform for our daughter--so she wore those for a few years.

"Joining with Senator Oke--were you a Master Chief? They all outranked me, because I was a Radio Operator, Second Class. I understand that you have all gone to right arm braids now, or is it left hand braids? When I was in the Navy, we had right arm braids and then we had the radio girls and so forth on our left arm, but that is what they called us. God Bless you both and thanks for your service and continue your good works."

#### MOTION

On motion of Senator Hewitt, the following resolution was adopted:

#### SENATE RESOLUTION 8714

By Senators Hewitt, Hale, Sheldon, B., Sheahan and Kohl-Welles

WHEREAS, On November 1, 2001, the freshman football teams from Walla Walla High School and Richland High School met on the field two days after the football-injury death of Walla Walla running back and lineman, fifteen-year-old John Quaresma; and

WHEREAS, the Walla Walla Blue Devils wore an emblem on their helmets with John's jersey number, 22, and parents and fans sat in the stands with photo buttons of John in his football jersey pinned to their coats; and

WHEREAS, players from both teams felt the sadness of the hole in the Blue Devils line-up as the game began, but played hard with both teams scoring; and

WHEREAS, with three minutes left in the game and the Blue Devils leading by 26 to 18, a Bombers player lay motionless on the ground after the lines clashed; and

WHEREAS, the Richland coaches and the Walla Walla trainer ran onto the field and players from both teams stood helmets in hand as Bomber's Kyle Conley spoke but did not move and was placed on a backboard by paramedics and taken to the hospital by ambulance; and

WHEREAS, players, coaches, parents and fans were not to learn until later that Conley would be OK; and

WHEREAS, the Blue Devils and Bombers decided to end the game with 2 minutes and 34 seconds left on the clock--declaring the Blue Devils victorious; and

WHEREAS, both teams lined up on the 50-yard-line to shake hands as their parents, classmates, and community supporters cheered; and

WHEREAS, the compassion and sportsmanship of the Richland and Walla Walla players and their coaches on November 1 exemplifies the true spirit of competitive sports; and

WHEREAS, the parents, classmates and communities of these teams have reason to be proud of each individual player, their coaches and team assistants;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, that the freshman football teams of Walla Walla High School and Richland High School be honored for their maturity, compassion and sportsmanship; and

BE IT FURTHER RESOLVED, that the coaches and parents of the Blue Devils and Bombers team members be commended for their leadership and support of these young men throughout the season and especially during the difficult days around November 1; and

BE IT FURTHER RESOLVED, that this resolution be dedicated to the memory of Blue Devils team member John Quaresma; and

BE IT FURTHER RESOLVED, that a copy of this resolution be immediately transmitted to Jerry and Laure Quaresma, parents of John Quaresma; Blue Devils' Athletic Director, Don Wilkins; Blue Devils' Coaches Marc Yonts, Mike Gobel, Jim Smith, Keven Peck and Jason Parsons; Blue Devils' team players Kenny Yetter-Baisch, Brian Bloomberg, Charles Buettner, Greg Dixon, Chris Flippo, Marquelle Fowler, Adam Frol, Ben Garcia, Hank Hager, Andrew Hartzheim, Charlie Higgenbotham, Squire Johnson, Jacob Klingenberg, Michael Land, Kenny Langis, Lance Lybecker, Jared Manning, Aaron Meister, Trevor Nix, Zackary Porter, Juan Rodriguez, Kyle Rouse, Juan Ruiz, Jose Sandoval, Justin Schmidt, Logan Spence, Jeremy Teal, Eduard Velazquez, Anthony Wickham and Zac Young; Bombers' Athletic Director, Steve Potter; Bombers' Coaches Jim Deatherage, Kevin Norris, and Chuck Bender; Bombers' team players Scott Albin, Mike Biddle, Tony Calapristi, Nick Capron, Nick Casqueiro, Nick Cejka, Kyle Conley, Cody Cooper, Cody Dahlman, J.J. Davidson, Kyle

Devior, Chris Dickinson, Chase Egbert, Jared Feaster, Rodney Fetter, Brandon Garret, Victor Garza, Brian Giever, Blake Goplin, Blake Gutierrez, Matt Hardman, Craig Hofferber, John Huebner, Alex Ironside, Ian Johnston, Donald Koberg, Derrick Larche, Alex McLain, Derrick Mickle, Steven Miska, Bobby Neill, Brandon Ricci, Tyler Roberts, Michael Robinson, James Rogers, Austin Schiefelbein, Derrick Schultz, James Shanley, Corey Sinclair, Mark Skavdahl, Quincy Stowe, Andrew Verhulp, John Whiteley and Dana Wheeler.

Senators Hewitt and Hale spoke to Senate Resolution 8714.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Walla Walla High School football coaches, who were seated in the gallery.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the seventh order of business.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5099, by Senate Committee on Health and Long-Term Care (originally sponsored by Senators Winsley and Thibaudeau)

Designating medical directors.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5099.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5099 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senators Finkbeiner and Parlette - 2.

SUBSTITUTE SENATE BILL NO. 5099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Finkbeiner was excused.

#### MOTION

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

#### MOTION

On motion of Senator Deccio, the following resolution was adopted:

#### SENATE RESOLUTION 8718

**By Senators Deccio, McCaslin, McAuliffe, Sheldon, B., Rasmussen and Kohl-Welles**

**WHEREAS, The Yakima Valley recognizes it has an economy in transition and significant change needs to occur; and**

**WHEREAS, The citizens of the Yakima Valley have a proud tradition of self-help and grassroots community action to meet challenges and create opportunities; and**

**WHEREAS, The Greater Yakima Chamber of Commerce's education program has been recognized by both the National School to Work Office and the United States Chamber of Commerce as a Best Practice in the United States; and**

**WHEREAS, The Greater Yakima Chamber of Commerce has established task forces working to identify and implement strategies for the emerging, current, and transitional workers in the Yakima Valley; and**

**WHEREAS, The Greater Yakima Chamber of Commerce and government, education, community, and business interests have come together to form a partnership known as the Business Education Partnership Initiative; and**

**WHEREAS, The Business Education Partnership Initiative has taken a leading role in preparing and maintaining a qualified work force to meet Yakima Valley employer requirements now and in the future; and**

**WHEREAS, The Business Education Partnership Initiative allows even greater networking among government, education, community, and business interests by increasing access to the talents and knowledge of all members and the various programs and organizations involved in the workforce development process;**

**NOW, THEREFORE, BE IT RESOLVED, That the Senate recognize the Greater Yakima Chamber of Commerce and all the government, education, community, and business interests involved for their outstanding efforts in forming the Business Education Partnership Initiative to create a working partnership model for grassroots involvement leading to community solutions; and**

**BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Greater Yakima Chamber of Commerce.**

Senators Deccio and McAuliffe spoke to Senate Resolution 8718.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Greater Yakima Chamber of Commerce, as well as members of the business community, school administrators, teachers, students, Workforce Development Councils and the Local Labor Council, who were seated in the gallery.

#### MOTION

On motion of Senator Costa, the Senate reverted to the seventh order of business.

#### THIRD READING

SENATE BILL NO. 5253, by Senators McCaslin, Kline, Long, Constantine, Hewitt, Horn, Honeyford and Costa

Increasing civil jury fees.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5253.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5253 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Finkbeiner - 1.

SENATE BILL NO. 5253, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5291, by Senate Committee on Health and Long-Term Care (originally sponsored by Senators Costa, Winsley, Franklin and Fraser)

Requiring certain immunizations of staff and residents of long-term care facilities.

### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 5291 was returned to second reading and read the second time.

### MOTION

On motion of Senator Thibaudeau, the following amendment was adopted:  
On page 3, line 2, after "act of" strike "2001" and insert "2002"

### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5291 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5291.

### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5291 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Finkbeiner - 1.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### THIRD READING

SUBSTITUTE SENATE BILL NO. 5369, by Senate Committee on Judiciary (originally sponsored by Senators Kline, Long and Costa) (by request of Department of Social and Health Services)

Revising provisions for jurisdiction in child support matters.

The bill was read the third time and placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5369.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5369 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 2; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senators Gardner and Hargrove - 2.

SUBSTITUTE SENATE BILL NO. 5369, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Women Legislators from Brazil, who are visiting the state of Washington Legislature, under a program designed by the National Conference of State Legislators. These guests, on an exchange between the United States and Brazil, were seated in the gallery.

### PERSONAL PRIVILEGE

Senator Kohl-Welles: "Thank you Mr. President, a point of personal privilege. I appreciate very much your recognizing the delegation from Brazil. They are part of the Legislative Exchange study tour sponsored by the National Conference of State Legislatures. It is funded by the United States State Department. There are two interpreters from the State Department with the delegation and Danielle Rudstein is with NCSL's international program.

"I was part of a similar delegation last May that traveled to Brazil with NCSL and meet many of the women legislators who are here today. I would like to invite you all to a brown bag lunch being held in the Cherberg Building, Conference Rooms B and C, between twelve and one. If you would like to have some interactions with the delegation, as well as drop by the Lieutenant Governor's Office between 1:30 and 2:30 for a reception. Thank you, Mr. President."

#### MOTION

On motion of Senator Eide, Senator Haugen was excused.

#### THIRD READING

ENGROSSED SENATE BILL NO. 6001, by Senators Carlson and Winsley

Inspecting tenant dwelling units for fire code violations.

#### MOTION

On motion of Senator Kline, the rules were suspended, Engrossed Senate Bill No. 6001 was returned to second reading and read the second time.

#### MOTION

Senator Carlson moved that the following striking amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.18.150 and 1989 c 342 s 7 and 1989 c 12 s 18 are each reenacted and amended to read as follows:

(1) The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, alterations, or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workers, or contractors.

(2) Upon written notice of intent to seek a search warrant, when a tenant or landlord denies a fire official the right to search a dwelling unit, a fire official may immediately seek and a court of competent jurisdiction, upon a showing of probable cause specific to the dwelling unit sought to be searched that criminal fire code violations exist in the dwelling unit, shall issue a warrant allowing a search of the dwelling unit.

Upon written notice of intent to seek a search warrant, when a landlord denies a fire official the right to search the common areas of the rental building other than the dwelling unit, a fire official may immediately seek and a court of competent jurisdiction, upon a showing of probable cause specific to the common area sought to be searched that a criminal fire code violation exists in those areas, shall issue a warrant allowing a search of the common areas in which the violation is alleged.

The superior court and courts of limited jurisdiction organized under Titles 3, 35, and 35A RCW have jurisdiction to issue such search warrants. Evidence obtained pursuant to any such search may be used in a civil or administrative enforcement action.

(3) As used in this section:

(a) "Common areas" means a common area or those areas that contain electrical, plumbing, and mechanical equipment and facilities used for the operation of the rental building.

(b) "Fire official" means any fire official authorized to enforce the state or local fire code.

~~((3))~~ (5) The landlord shall not abuse the right of access or use it to harass the tenant. Except in the case of emergency or if it is impracticable to do so, the landlord shall give the tenant at least two days' notice of his or her intent to enter and shall enter only at reasonable times. The tenant shall not unreasonably withhold consent to the landlord to enter the dwelling unit at a specified time where the landlord has given at least one day's notice of intent to enter to exhibit the dwelling unit to prospective or actual purchasers or tenants. A landlord shall not unreasonably interfere with a tenant's enjoyment of the rented dwelling unit by excessively exhibiting the dwelling unit.

~~((4))~~ (6) The landlord has no other right of access except by court order, arbitrator or by consent of the tenant.

~~((5))~~ (7) A landlord or tenant who continues to violate the rights of the tenant or landlord with respect to the duties imposed on the other as set forth in this section after being served with one written notification alleging in good faith violations of this section listing the date and time of the violation shall be liable for up to one hundred dollars for each violation after receipt of the notice. The prevailing ~~(party)~~ landlord or tenant may recover costs of the suit or arbitration under this section, and may also recover reasonable attorneys' fees.

(8) Nothing in this section is intended to abrogate or modify in any way any common law right or privilege."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Carlson to Engrossed Senate Bill No. 6001.

The motion by Senator Carlson carried and the striking amendment was adopted

#### MOTIONS

On motion of Senator Carlson, the following title amendment was adopted:

On page 1, line 2 of the title, after "violations;" strike the remainder of the title and insert "and reenacting and amending RCW 59.18.150."

On motion of Senator Carlson, the rules were suspended, Second Engrossed Senate Bill No. 6001 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Senate Bill No. 6001.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 6001 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Gardner - 1.

Excused: Senator Haugen - 1.

SECOND ENGROSSED SENATE BILL NO. 6001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Kastama, Senator Eide was excused.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5433, by Senate Committee on Health and Long-Term Care (originally sponsored by Senators Regala, Winsley and Thibaudeau)

Providing for establishment of parent and child relationship for children born through alternative reproductive medical technology.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5433.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5433 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Eide - 1.

SUBSTITUTE SENATE BILL NO. 5433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 5513, by Senators Haugen, Shin, T. Sheldon, Sheahan, Oke and Gardner

Compensating highway and ferry workers for motorist assault.

The bill was read the third time and placed on final passage..

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5513.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5513 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Eide - 1.

SENATE BILL NO. 5513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5522, by Senate Committee on Human Services and Corrections (originally sponsored by Senators Kastama, Hargrove, Thibaudeau, Winsley, Kohl-Welles, Long, Costa, Snyder, Deccio, Fraser and Rasmussen)

Creating an office of mental health ombudsman.

MOTION

On motion of Senator Kastama, the rules were suspended, Engrossed Substitute Senate Bill No. 5522 was returned to second reading and read the second time.

MOTION

On motion of Senator Kastama, the following striking amendment by Senators Kastama and Hewitt was adopted:

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** The legislature finds that in order to comply with the community mental health services act, chapter 71.24 RCW, and the medicaid managed care mental health waiver, and to effectively assist persons with mental illness and consumers of mental health services in the assertion of their civil and human rights, and to improve the quality of services available and promote the rehabilitation, recovery, and reintegration of these persons, an independent mental health ombudsman program should be instituted.

**NEW SECTION. Sec. 2.** As used in this chapter, "mental health provider or facility" means any of the following:

- (1) An agency, individual, or facility that is part of the community mental health service delivery system, as defined in RCW 71.24.025;
- (2) A long-term care facility, as defined in RCW 43.190.020, in which adults or children with mental illness reside;
- (3) A state hospital, as defined in RCW 72.23.010; and
- (4) A facility or agency that receives funds from the state of Washington to provide residential or treatment services to adults or children with mental illness.

**NEW SECTION. Sec. 3.** (1) The department of community, trade, and economic development shall contract with a private nonprofit organization to be the office of mental health ombudsman and to provide mental health ombudsman services as specified under, and consistent with, the medicaid managed care mental health waiver, state law, the goals of the state, and the needs of its citizens. The department of community, trade, and economic development shall ensure that all program and staff support necessary to enable the ombudsman to effectively protect the interests of persons with mental illness is provided by the nonprofit organization that contracts to be the office of mental health ombudsman and to provide independent mental health ombudsman services. The department shall designate the organization to be the office of mental health ombudsman and to provide mental health ombudsman services by a competitive bidding process which shall include direct stakeholder participation in the development of the request for proposal, evaluation of bids, and final selection. The department shall ensure that the designated agency has demonstrated financial stability and meets the qualifications for ombudsman identified in section 4 of this act. The department shall undertake an annual review of the designated agency to ensure compliance with the provisions of the contract. The department shall not redesignate the agency serving as the office of mental health ombudsman except upon a showing of good cause for redesignation, and after notice and opportunity for agency and public comment have been made and there has been an opportunity to appeal the redesignation to the director.

- (2) The department of community, trade, and economic development shall adopt rules to carry out this chapter.
- (3) The office of mental health ombudsman shall have the following powers and duties:
- (a) Provide services for coordinating the activities of mental health ombudsmen throughout the state;
- (b) Carry out such other activities as the department of community, trade, and economic development deems appropriate;
- (c) Establish procedures consistent with section 10 of this act for appropriate access by mental health ombudsmen to mental health providers and facilities and the records of patients, residents, and clients, including procedures to protect the confidentiality of the records and ensure that the identity of any complainant or resident will not be disclosed without the written consent of the complainant or resident, or upon court order;
- (d) Establish a statewide uniform reporting system to collect and analyze data relating to complaints, conditions, and service quality provided by mental health providers and facilities for the purpose of identifying and resolving significant individual problems and analyzing, developing, and advocating remedies in policy, practice, or legislation for systemic problems, with provision for submission of such data to the department of social and health services, the state block grant mental health advisory committee, and to the federal department of health and human services, or its successor agency, on a regular basis. This reporting system must be compatible with uniform child and adult consumer service outcomes, where such outcome measures are established;
- (e) Establish procedures to assure that any files maintained by ombudsman programs shall be disclosed only at the discretion of the ombudsman having authority over the disposition of such files, except that the identity of a complainant or patient, resident, or client of a mental health provider or facility may not be disclosed by the ombudsman unless:
- (i) The complainant or resident, or the complainant or resident's legal representative, consents in writing to such disclosure; or
- (ii) Such disclosure is required by court order; and
- (f) Establish ombudsman services that are available statewide, and at eastern state and western state hospitals.

**NEW SECTION. Sec. 4.** (1) The agency designated by the department of community, trade, and economic development as the office of mental health ombudsman and any mental health ombudsman authorized by this chapter or a local governmental authority must have training or experience in all of the following areas:

- (a) Mental health and other related social services programs;
- (b) The legal system;
- (c) Advocacy and supporting self-advocacy; and
- (d) Dispute or problem resolution techniques, including investigation, mediation, and negotiation.
- (2) A mental health ombudsman or quality review team member must not have been employed by a regional support network or any mental health provider or facility within the past three years, except where prior to the adoption of this chapter he or she has been employed by or volunteered for a regional support network or subcontractor thereof or a state hospital to provide mental health ombudsman services pursuant to the requirements of the federal medicaid managed care mental health waiver. The office of mental health ombudsman

shall actively recruit persons who provided ombudsman services through a regional support network or subcontractor thereof or a state hospital.

(3) No mental health ombudsman or any member of his or her immediate family may have, or have had within the past three years, any pecuniary interest in the provision of mental health services.

(4) The office of mental health ombudsman shall maintain a toll-free telephone number.

(5) Mental health ombudsmen shall assist and advocate on behalf of patients, residents, and clients of mental health providers and facilities and shall attempt to resolve complaints informally, using complaint and grievance processes and, if applicable, the fair hearing process. Mental health ombudsmen shall attempt to resolve all disputes at the lowest possible level.

(6) The office of mental health ombudsman shall ensure that there are quality review teams established to evaluate quality and consumer satisfaction and provide recommendations for service improvements, as required by the medicaid managed care waiver. Quality review teams shall define, establish, and measure systemic consumer outcomes and report on systemic causes of consumer access barrier service problems.

(7) Where consented to by the patient, resident, or client, ombudsmen shall involve family members and friends in the process of resolving complaints.

(8) The office of mental health ombudsman shall support mental health service recipient participation in treatment planning and delivery, both on an individual basis and systemwide, and shall actively recruit and support the participation of consumers, parents, and guardians of minor children recipients, and family members of adult service recipients as mental health ombudsmen and quality review team members.

**NEW SECTION. Sec. 5.** (1) The office of mental health ombudsman shall provide information relevant to the quality of mental health services, and recommendations for improvements in the quality of mental health services, to regional support networks and the mental health division.

(2) The mental health division and the regional support networks shall work in cooperation with the office of mental health ombudsman to develop agreements regarding how this quality information will be incorporated into their quality management system. These agreements must ensure that information related to complaints and grievances conforms to a standardized form.

(3) The office of mental health ombudsman shall ensure that its reports and recommendations are broadly distributed and shall report annually regarding its activities, findings, and recommendations to at least the following: The mental health division, the mental health advisory board, the state long-term care ombudsman, the state family and children's ombudsman, the state designated protection and advocacy system, the department of community, trade, and economic development, regional support networks, and mental health advocacy groups.

(4) Regional support networks and the mental health division shall promptly provide the office of mental health ombudsman with demographic information they possess regarding the diversity of individuals applying for, receiving, and denied services in each region, service utilization information, contract and subcontract requirements, the results of all audits and reviews conducted by the regional support networks or the mental health division, and such other information collected or produced by the regional support networks or the mental health division as may be necessary for mental health ombudsman and quality review team members in the performance of their duties.

(5) Regional support networks and the mental health division shall assist mental health ombudsman and quality review team members in obtaining entry and meaningful access to mental health providers and facilities, cooperation from their staff, and access to patients and clients.

(6) Each regional support network and state hospital shall designate at least one liaison to the office of mental health ombudsman who shall be responsible for ensuring that mental health ombudsman and quality review team members are actively included in quality management planning and assessment, for providing assistance in resolving issues regarding access to information and patients or clients, and for resolving individual and systemic issues where requested by the mental health ombudsman or quality review team.

(7) Regional support networks, state hospitals, and their subcontractors shall respond in writing to all recommendations regarding quality improvement made by mental health ombudsmen and quality review teams within thirty days of issuance, and shall identify what action will be taken in response, and if no action or action other than that which is recommended by the mental health ombudsman or quality review team is taken, the reasons for the variance must be explained in writing.

**NEW SECTION. Sec. 6.** The office of mental health ombudsman shall provide the legislature with an annual report that includes:

(1) An identification of the demographic status of those served by the mental health ombudsman;

(2) A description of the issues addressed, and a brief description of case scenarios in a form that does not compromise confidentiality;

(3) An accounting of the monitoring activities of the ombudsman;

(4) An identification of the results of measurements of consumer satisfaction and other outcome measures;

(5) An identification of the numbers of volunteers used and in what capacity;

(6) An identification of deficiencies in the service system and recommendations for remedial action;

(7) Recommendations for regulatory action by agencies that would improve the quality of service to individuals with mental illness;

and

(8) Recommendations for legislative action that would result in improved services to individuals with mental illness.

**NEW SECTION. Sec. 7.** Every mental health provider and facility shall post in a conspicuous location a notice providing the office of mental health ombudsman's toll-free number, and the name, address, and phone number of the office of the appropriate local mental health ombudsman and quality review team and a brief description of the services provided. The form of the notice must be approved by the office of mental health ombudsman. This information must also be distributed to the patients, residents, and clients, and their family members and legal guardians, upon application for mental health provider services, and upon admission to a mental health facility.

**NEW SECTION. Sec. 8.** The office of mental health ombudsman shall:

(1) Identify, investigate, and resolve complaints made by or on behalf of patients, residents, clients of mental health providers and facilities, and individuals denied services relating to administrative action, inaction, or decisions, that may adversely affect the rehabilitation, recovery, reintegration, health, safety, welfare, and rights of these individuals;

(2) Monitor the development and implementation of federal, state, and local laws, rules, regulations, and policies with respect to mental health service provision in this state;

(3) Provide information as appropriate to patients, residents, clients, individuals denied services, family members, guardians, resident representatives, employees of mental health providers and facilities, and others regarding the rights of residents, and to public agencies regarding the quality of service, complaints, and problems of individuals receiving or denied services from mental health providers and facilities; and

(4) Provide for the training and certification of paid and volunteer mental health ombudsmen. Paid mental health ombudsmen shall recruit, supervise, and provide ongoing training of certified volunteer mental health ombudsmen. Volunteers may be recruited to otherwise assist with mental health ombudsman and quality review team services.

(5) A trained and certified mental health ombudsman, in accordance with the policies and procedures established by the office of mental health ombudsman, shall inform residents, their representatives, and others about the rights of residents, and may identify, investigate, and resolve complaints and monitor the quality of services provided to patients, residents, and clients of mental health providers and facilities.

**NEW SECTION. Sec. 9.** (1) The office of mental health ombudsman shall develop referral procedures for all mental health ombudsmen to refer any complaint to an appropriate state or local government agency. The department of social and health services shall act as quickly as possible on any complaint referred to them by a mental health ombudsman.

(2) The department of social and health services shall respond to any complaint against a mental health provider or facility that was referred to it by a mental health ombudsman and shall forward to that ombudsman a summary of the results of the investigation and action proposed or taken.

(3) The office of mental health ombudsman, and all local mental health ombudsmen and related volunteers, shall work in cooperation with the state designated protection and advocacy agency, the long-term care ombudsman, and the children and family ombudsman. The office of mental health ombudsman shall develop and implement a working agreement with the protection and advocacy agency, the long-term care ombudsman, and the children and family ombudsman, to ensure efficient, coordinated service.

(4) The office of mental health ombudsman shall develop working agreements with each regional support network, the state psychiatric hospitals, the mental health division, and such other entities as necessary to accomplish the goals of the program.

**NEW SECTION. Sec. 10.** (1) The office of mental health ombudsman shall develop procedures governing the right of entry of all mental health ombudsmen to mental health providers and facilities, jails, and correctional facilities.

(2) Mental health ombudsmen and quality review team members shall have access to patients, residents, and clients of mental health providers and facilities, other entities providing inpatient or outpatient social services, and jails, with provisions made for privacy, for the purpose of hearing, investigating, and resolving complaints and monitoring the quality of services, at any time deemed necessary and reasonable by the office of mental health ombudsman to effectively carry out the provisions of this chapter. Ombudsmen and quality review team members who have passed criminal background checks must have access to inmates at correctional facilities with reasonable notice to the department of corrections, with provisions made for privacy, for the purpose of hearing, investigating, and resolving complaints and monitoring the quality of services, at any time deemed necessary and reasonable by the office of mental health ombudsman to effectively carry out the provisions of this chapter.

(3) Nothing in this chapter restricts, limits, or increases any existing right of an organization or individual not described in subsections (1) and (2) of this section to enter or provide assistance to patients, residents, or clients of mental health providers or facilities.

(4) Nothing in this chapter restricts any right or privilege of a patient, resident, or client of a mental health provider or facility to receive visitors of his or her choice.

**NEW SECTION. Sec. 11.** (1) No mental health ombudsman, volunteer, or quality review team member is liable for good faith performance of responsibilities under this chapter.

(2) No discriminatory, disciplinary, or retaliatory action may be taken against an employee of a mental health provider or facility, or a patient, resident, or client of a mental health provider or facility, or a volunteer, for any communication made, or information given or disclosed, to aid the mental health ombudsman or quality review team in carrying out duties and responsibilities under this chapter, unless the same was done maliciously or without good faith. This subsection is not intended to infringe on the rights of the employer to supervise, discipline, or terminate an employee for other reasons.

(3) All communications by a mental health ombudsman or quality review team member, if reasonably related to the requirements of that individual's responsibilities under this chapter and done in good faith, are privileged, and that privilege shall serve as a defense to any action in libel or slander.

(4) A representative of the office of mental health ombudsman is exempt from being required to testify in court as to any confidential matters except as the court may deem necessary to enforce this chapter.

**NEW SECTION. Sec. 12.** All records and files of mental health ombudsmen relating to any complaint or investigation made pursuant to carrying out their duties and the identities of complainants, witnesses, patients, or residents shall remain confidential unless disclosure is authorized by the client or his or her guardian or legal representative. No disclosures may be made outside the office without the consent of any named witnesses, resident, patient, client, or complainant unless the disclosure is made without the identity of any of these individuals being disclosed.

**NEW SECTION. Sec. 13.** (1) It is the intent of the legislature that the state mental health ombudsman program make reasonable efforts to maintain and improve the current level and quality of care, taking into account the transition period from the current system of ombudsman programs and quality review teams within the regional support networks and state hospitals.

(2) It is the intent of the legislature that federal medicaid requirements be complied with and the department of community, trade, and economic development expend no more than the amount currently expended on mental health ombudsman services and quality review team services by regional support networks and state hospitals and their subcontractors, including related administrative costs, pursuant to contracts with the department of social and health services, to establish the mental health ombudsman program established by this chapter, and the amount annually expended by the mental health division in staff support, monitoring, oversight, and subcontracted training and consultation for community mental health ombudsman and quality review team services and state hospital mental health patient advocate or ombudsman services, except to the extent that additional funds are appropriated by the legislature, for the first two years after the enactment of this act.

**NEW SECTION. Sec. 14.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 15.** This act takes effect July 1, 2003.

**NEW SECTION. Sec. 16.** Sections 1 through 15 of this act constitute a new chapter in Title 71 RCW."

## MOTIONS

On motion of Senator Kastama, the following title amendment was adopted:

On page 1, line 1 of the title, after "ombudsman;" strike the remainder of the title and insert "adding a new chapter to Title 71 RCW; and providing an effective date."

On motion of Senator Kastama, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5522 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5522.

## ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5522 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald,

Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Honeyford - 1.

Absent: Senator Stevens - 1.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### THIRD READING

SENATE BILL NO. 5546, by Senators McAuliffe, Finkbeiner, Rasmussen, B. Sheldon, Fairley, Johnson, Hewitt, Eide and Kohl-Welles (by request of State Board of Education)

Reclassifying the state board of education as a class four group.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5546.

### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5546 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senators Honeyford and Roach - 2.

SENATE BILL NO. 5546, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### THIRD READING

SUBSTITUTE SENATE BILL NO. 5571, by Senate Committee on Transportation (originally sponsored by Senators Sheahan, Rasmussen, Hochstatter, T. Sheldon, Hewitt, Rossi, Honeyford, Parlette, Stevens and Roach)

Authorizing Future Farmers of America license plates.

### MOTION

On motion of Senator Sheahan, the rules were suspended, Substitute Senate Bill No. 5571 was returned to second reading and read the second time.

### MOTION

On motion of Senator Sheahan, the following striking amendment by Senator Haugen was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 46.16 RCW to read as follows:

The department, the Washington state patrol, and the Washington state association of Future Farmers of America shall jointly create and design, and the department shall issue a special Future Farmers of America license plate that may be used in lieu of regular or personalized license plates for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates will observe the importance of farming to Washington state and help fund programs and scholarships within the Washington state association of Future Farmers of America and its chapters. The Washington state association of Future Farmers of America may hold a contest among its membership to select the initial design.

**NEW SECTION. Sec. 2.** A new section is added to chapter 46.16 RCW to read as follows:

The Washington state association of Future Farmers of America license plate fees account is created in the state treasury. All receipts from Washington state association of Future Farmers of America license plate fees, less the administration and collection costs incurred by the department under RCW 46.16.313 (6) and (7), must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for programs and scholarships within the Washington state association of Future Farmers of America and its chapters.

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.16 RCW to read as follows:

(1) On an annual basis, the Washington state association of Future Farmers of America shall select programs and scholarships to be funded from the Washington state association of Future Farmers of America license plate fees account proceeds. In selecting programs and

scholarship recipients, the Washington state association of Future Farmers of America shall attempt to assure a geographical balance throughout the state and its chapters.

(2) The Washington state association of Future Farmers of America may adopt rules necessary to implement this section. Adoption of rules does not make the organization a state agency under chapter 34.05 RCW.

**Sec. 4.** RCW 46.16.313 and 1997 c 291 s 8 are each amended to read as follows:

(1) The department may establish a fee for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. ~~((Until December 31, 1997, the fee shall not exceed thirty five dollars, but effective with vehicle registrations due or to become due on January 1, 1998,))~~ The department may adjust the fee to no more than forty dollars. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

~~(2) ((Until December 31, 1997, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.~~

~~(3) Effective with vehicle registrations due or to become due on January 1, 1998,))~~ In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

~~((4) Effective with annual renewals due or to become due on January 1, 1999,))~~ (3) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

~~((5))~~ (4) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

~~((6) Effective with annual renewals due or to become due on January 1, 1999,))~~ (5) In addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

~~(6) Effective with vehicle registrations due or to become due on January 1, 2003, in addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a Washington state association of Future Farmers of America license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The department shall remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the Washington state association of Future Farmers of America license plate fees account under section 2 of this act.~~

~~(7) Effective with annual renewals due or to become due on January 1, 2004, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a Washington state association of Future Farmers of America license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The department shall remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the Washington state association of Future Farmers of America license plate fees account.~~

**Sec. 5.** RCW 46.16.233 and 2000 c 37 s 1 are each amended to read as follows:

Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), under section 1 of this act, and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, all vehicle license plates must be issued on a standard background, as designated by the department. Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates, except for commercial vehicles with a gross weight in excess of twenty-six thousand pounds. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

**Sec. 6.** RCW 46.16.290 and 1997 c 291 s 4 are each amended to read as follows:

In any case of a valid sale or transfer of the ownership of any vehicle, the right to the certificates properly transferable therewith, except as provided in RCW 46.16.280, and to the vehicle license plates passes to the purchaser or transferee. It is unlawful for the holder of such certificates, except as provided in RCW 46.16.280, or vehicle license plates to fail, neglect, or refuse to endorse the certificates and deliver the vehicle license plates to the purchaser or transferee. If the sale or transfer is of a vehicle licensed by the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law, or, if the vehicle is licensed with personalized plates, amateur radio operator plates, medal of honor plates, disabled person plates, disabled veteran plates, prisoner of war plates, Washington state association of Future Farmers of America plates, or other special license plates issued under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, the vehicle license plates therefor shall be retained and may be displayed upon a vehicle obtained in replacement of the vehicle so sold or transferred."

## MOTIONS

On motion of Senator Sheahan, the following title amendment was adopted:

On line 1 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 46.16.313, 46.16.233, and 46.16.290; and adding new sections to chapter 46.16 RCW."

On motion of Senator Sheahan, the rules were suspended, Engrossed Substitute Senate Bill No. 5571 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Brown: "Senator Sheahan, what ever happened to the Future Homemaker's of America. I want to know if they are going to get their license plate as well?"

Senator Sheahan: "Thank you, Senator Brown. I would entertain an amendment to the bill, if you are interested."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5571.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5571 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 1; Absent, 2; Excused, 0.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senator Regala - 1.

Absent: Senators Benton and Johnson - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hewitt, Senator Johnson was excused

#### THIRD READING

SENATE BILL NO. 5591, by Senators Zarelli, Kline, Costa, McCaslin and Kohl-Welles

Providing a sole caregiver jury duty exemption.

The bill was read the third time and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5591.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5591 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Johnson - 1.

SENATE BILL NO. 5591, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 5594, by Senators Gardner, Winsley, Prentice and Honeyford

Consolidating housing authorities

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5594.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5594 and the bill passed the Senate by the following vote:

Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator Johnson - 1.

SENATE BILL NO. 5594, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:46 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, January 31, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

SEVENTEENTH DAY, JANUARY 30, 2002

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#### EIGHTEENTH DAY

#### NOON SESSION

Senate Chamber, Olympia, Thursday, January 31, 2002

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

#### MOTION

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

#### MOTION

On motion of Senator Betti Sheldon, and pursuant to Rule 46, the Committee on Labor, Commerce and Financial Institutions was granted permission to meet during session.

EDITOR'S NOTE: Senate Rule 46 states: 'No committee shall sit during the daily session of the senate unless by special leave.'

#### REPORTS OF STANDING COMMITTEES

January 29, 2002

SB 5694 Prime Sponsor, Senator Winsley: Establishing a certification program for mobile home park managers. Reported by Committee on Labor, Commerce and Financial Institutions

**MAJORITY Recommendation:** Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

**MINORITY Recommendation:** Do not pass. Signed by Senators Benton, Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

January 30, 2002

SB 6386 Prime Sponsor, Senator Eide: Providing for a simple majority of voters voting to authorize school district levies and bonds. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Kastama, Kohl-Welles, Prentice, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Zarelli.

Referred to Committee on Ways and Means.

January 30, 2002

SB 6437 Prime Sponsor, Senator Gardner: Modifying county treasurer provisions. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 30, 2002

SB 6456 Prime Sponsor, Senator McAuliffe: Authorizing the academic achievement and accountability commission to set performance improvement goals for certain disaggregated groups of students and dropout goals. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

January 30, 2002

SB 6466 Prime Sponsor, Senator Gardner: Modifying county treasurer administration provisions. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 30, 2002

SB 6470 Prime Sponsor, Senator Honeyford: Revising penalty provisions when land is removed from open space classification. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan and Swecker.

Referred to Committee on Ways and Means.

January 29, 2002

SB 6491 Prime Sponsor, Senator Prentice: Changing provisions relating to criminal history background checks by state agencies. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

January 30, 2002

SB 6508 Prime Sponsor, Senator Rasmussen: Registering pesticides. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 30, 2002  
SB 6529 Prime Sponsor, Senator Gardner: Modifying the time period for holding elections to fill vacancies. Reported by  
Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen,  
Horn, Keiser, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2002  
SB 6539 Prime Sponsor, Senator T. Sheldon: Implementing the federal mobile telecommunications sourcing act. Reported  
by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass as amended. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice  
Chair; Finkbeiner, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

January 30, 2002  
SB 6559 Prime Sponsor, Senator Fairley: Authorizing port districts to pay claims or other obligations by check or warrant.  
Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen,  
Horn, Keiser, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2002  
SB 6663 Prime Sponsor, Senator Roach: Revising notification provisions for vehicle impoundments. Reported by Committee  
on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide,  
Johnson, McAuliffe, McDonald, Prentice and Shin.

Passed to Committee on Rules for second reading.

January 29, 2002  
SJM 8007 Prime Sponsor, Senator Shin: Requesting a specific domain designation for internet pornography websites.  
Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair;  
Finkbeiner, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

January 30, 2002  
SJR 8224 Prime Sponsor, Senator Eide: Amending the Constitution to provide for a simple majority of voters voting to  
authorize school district levies. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators  
McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Kastama, Kohl-Welles, Prentice, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Zarelli.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6470 was referred to the Committee on Ways and Means.

#### REPORT FROM STATE AGENCY

OFFICE OF FINANCIAL MANAGEMENT

Insurance Building  
P.O. Box 43113  
Olympia, Washington 98504-3113

January, 2002

**TO:** Governor Locke

Senator Sid Snyder Senator James West  
Senate Majority Leader Senate Minority Leader

Representative Frank Chopp Representative Clyde Ballard  
Speaker of the House House Minority Leader

**FROM:** Marty Brown, Director

**SUBJECT: Biennial Report on the Effects of ESHB 1010 Regulatory Reform**

This report is required of the Office of Financial Management (OFM) by Engrossed Substitute House Bill No. 1010, the regulatory reform measure approved by the Legislature and signed into law in 1995.

The report summarizes the experience of state regulatory agencies in making rules under the significant legislative rule making provisions of the law during 2000 and 2001. In compiling the report, OFM asked agencies to consult with their clients, customers, and representatives of the regulated community in assessing their experience with the law. OFM has summarized their experience, and included the reports from individual agencies in the Appendix of this document.

If you require more detailed information about the effect of this law, please contact the agencies directly.

#### INTRODUCTION AND FIRST READING

SB 6742 by Senators Poulsen, Prentice, Fairley, McAuliffe, Thibaudeau, Kohl-Welles, Keiser and Jacobsen

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

Referred to Committee on State and Local Government.

SB 6743 by Senators Haugen and Oke

AN ACT Relating to commercial bottom trawling; and amending RCW 77.50.090.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6744 by Senators Poulsen, Fairley, Brown, Regala, Fraser, Kohl-Welles and Kline

AN ACT Relating to greenhouse gas mitigation; amending RCW 80.50.010, 80.50.020, and 80.50.040; adding a new section to chapter 80.50 RCW; and declaring an emergency.

Referred to Committee on Environment, Energy and Water.

SB 6745 by Senators Haugen, Benton, Keiser, B. Sheldon, Poulsen, Winsley, Zarelli, Johnson, Gardner, Hewitt, Prentice, Finkbeiner, Horn, Regala, Rasmussen, Honeyford and Kline

AN ACT Relating to death certificates; and amending RCW 70.58.107.

Referred to Committee on State and Local Government.

SB 6746 by Senators Stevens, T. Sheldon, Finkbeiner, Rossi, Snyder, McCaslin and Hargrove

AN ACT Relating to use permits for telecommunications facilities on state lands; amending RCW 79.01.392; adding a new section to chapter 79.01 RCW; and creating a new section.

Referred to Committee on Economic Development and Telecommunications.

SB 6747 by Senators Prentice, Gardner, Keiser and Kline

AN ACT Relating to abusive mortgage lending; adding a new chapter to Title 61 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6748 by Senators Kline, Oke, Swecker and Haugen

AN ACT Relating to procedures for vehicle registration transfers and impound; amending RCW 46.12.101, 46.12.102, 46.20.031, 46.20.289, 46.55.075, 46.55.085, 46.55.100, 46.55.105, 46.55.110, 46.55.130, 46.55.230, 46.63.030, and 46.63.110; and creating new sections.

Referred to Committee on Transportation.

SB 6749 by Senators West, Hale, Honeyford, Johnson, Hewitt, Zarelli, Gardner, Sheahan, Rasmussen, Prentice, Winsley, Fairley, Shin, Kastama, Swecker, Snyder and Rossi

AN ACT Relating to the burden of proof in actions asserting invalidity of agency rules; and amending RCW 34.05.570.

Referred to Committee on State and Local Government.

SB 6750 by Senators Jacobsen, Thibaudeau and Kline

AN ACT Relating to a deduction from the taxable income of health care providers that accept compensation in the form of capitation; adding a new section to chapter 82.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways and Means.

SB 6751 by Senators Horn and Costa

AN ACT Relating to the regulation of motorized foot scooters; amending RCW 46.04.332, 46.16.010, 46.20.500, 46.61.710, and 46.81A.010; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 6752 by Senators Thibaudeau, Fraser and Hale

AN ACT Relating to unallowable costs under the nursing facility medicaid payment system; and amending RCW 74.46.410.

Referred to Committee on Health and Long-Term Care.

SB 6753 by Senator Roach

AN ACT Relating to home rule charter provisions; and adding a new section to chapter 36.01 RCW.

Referred to Committee on State and Local Government.

SJM 8037 by Senators West, Brown, Winsley, Sheahan and McAuliffe

Requesting that Congress modify IDEA to allow parent choice for assessment and treatment.

Referred to Committee on Health and Long-Term Care.

SCR 8428 by Senators Winsley and Regala

Modifying districts twenty-seven and twenty-eight in the plan for legislative redistricting.

HOLD.

MOTION

On motion of Senator Betti Sheldon, Senate Concurrent Resolution No. 8428 was held at the desk.

MOTION

On motion of Senator Sheahan, the following resolution was adopted:

SENATE RESOLUTION 8736

**By Senators McAuliffe, Sheldon, B. and Rasmussen**

**WHEREAS, Catholic educators have been teaching in Washington since 1856, when the Sisters of Providence opened one of the first Catholic schools at Fort Vancouver, Washington; and  
WHEREAS, Currently, ninety-one Catholic elementary and secondary schools in Washington provide a strong academic and religious education to more than 29,000 students; and**

**WHEREAS,** The Reverend Stephen C. Rowan, Vicar for Education and Superintendent of Catholic Schools in Washington – in partnership with parents, principals, teachers and support staff – is committed to the development of faith and academic excellence; and

WHEREAS, Parents of children attending Catholic schools make sacrifices in order to send their children to a school that shares their religious beliefs; and

WHEREAS, The U.S. Department of Education has recognized several Catholic schools as “Schools of Excellence.” Among them, Our Lady of Lourdes School in Vancouver, Washington, which received a 2001 “Blue Ribbon” award for excellence in leadership, teaching, curriculum, student achievement and parental involvement; and

WHEREAS, The Legislature recognizes the commitment of the dedicated men and women who teach and administer these schools with faith and passion, and whose work has produced thousands of academically strong students who commit themselves to service; and

WHEREAS, During the week of January 27- February 3, 2002, some 8,200 Catholic schools nationwide will recognize their commitment to faith-based education with the theme “Catholic Schools 2002: Where Faith and Knowledge Meet;”

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize the Catholic schools of our state and honor their academic excellence and faith-based instruction during Catholic Schools Week; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the **Washington State Catholic Conference and the Catholic Schools Department of the Archdiocese of Seattle, Diocese of Yakima and Diocese of Spokane.**

MOTION

At 12:05 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Friday, February 1, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

EIGHTEENTH DAY, JANUARY 31, 2002

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**NINETEENTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Friday, February 1, 2002

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

The Sergeant at Arms Color Guard, consisting of Pages Gabriel DeMiero and Benjamin Derby, presented the Colors. Reverend Arthur Vaeni, a minister from the Unitarian Universalist Congregation of Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 31, 2002

SB 5932 Prime Sponsor, Senator Kohl-Welles: Requiring audio recording of interviews of children disclosing sexual abuse. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to Committee on Human Services and Corrections without recommendation. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Thibaudeau and Zarelli.

Referred to Committee on Human Services and Corrections.

January 31, 2002

SB 6329 Prime Sponsor, Senator Regala: Exempting certain vehicles powered by electricity and gasoline from emission control inspections. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 6329 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen, Keiser, McDonald and Morton.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6399 Prime Sponsor, Senator McAuliffe: Abstracting only accidents in which the driver was at fault. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6399 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Jacobsen, Kastama, Keiser, Prentice, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6432 Prime Sponsor, Senator Benton: Correcting language regarding certificates of ownership for stolen vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Kastama, Keiser, Oke, Prentice, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6436 Prime Sponsor, Senator T. Sheldon: Authorizing department of licensing publications to include advertising. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Keiser, Oke, Prentice, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6444 Prime Sponsor, Senator Gardner: Licensing vehicles transporting persons on stretchers. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6444 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Kastama, Keiser, Oke, Prentice, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6455 Prime Sponsor, Senator Prentice: Requiring physical examinations prior to participation in interscholastic athletic activities. Reported by Committee on Education

MAJORITY Recommendation: That the bill be referred to Committee on Health and Long-Term Care without recommendation. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Johnson, Kastama, Prentice and Regala.

Referred to Committee on Health and Long Term Care.

January 31, 2002

SB 6627 Prime Sponsor, Senator Costa: Renaming, with regard to adult and juvenile offenders, "community service" as "community restitution." Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 31, 2002

SJM 8031 Prime Sponsor, Senator Hale: Encouraging re-authorization and full funding of the renewable energy production incentive. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen, Keiser, McDonald and Morton.

Passed to Committee on Rules for second reading.

MESSAGES FROM STATE OFFICES

STATE OF WASHINGTON  
Department of Social and Health Services  
Olympia, Washington 98504-5000

January 31, 2002

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

Dear Mr. Cook:

Enclosed is the Department's Report to the Legislature entitled "Wage Increases for Residential Programs." This report is mandated under Chapter 7, Laws of 2001, E2, Section 205(1)(g).

Please call Pat Buker at (360) 902-8460 if you have questions regarding the report.

Sincerely,  
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Wage Increases for Residential Programs" is on file in the Office of the Secretary of the Senate.

STATE OF WASHINGTON  
Department of Social and Health Services  
Olympia, Washington 98504-5000

January 30, 2002

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

Dear Mr. Cook:

Enclosed is the Department's Report to the Legislature entitled "WorkFirst Contract Outcome Measures." It is mandated under Chapter 58, Laws of 1997, Section 704.

Please call Dorie Keeley at (360) 413-3321 if you have questions about the report.

Sincerely,  
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "WorkFirst Contract Outcome Measures" is on file in the Office of the Secretary of the Senate.

#### INTRODUCTION AND FIRST READING

SB 6754 by Senators Franklin, Fairley, B. Sheldon, Prentice, Brown, Rasmussen, Fraser, McAuliffe, Costa, Shin, Gardner, Kohl-Welles, Thibaudeau, Spanel, Jacobsen, Regala, Kline and Keiser

AN ACT Relating to allowing unemployment benefits during lockouts; amending RCW 50.20.120 and 50.04.030; adding a new section to chapter 50.29 RCW; and creating new sections.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6755 by Senators Fraser, Morton and Kline

AN ACT Relating to the relinquishment of water rights approved for instream beneficial uses; and reenacting and amending RCW 90.14.140.  
Referred to Committee on Environment, Energy and Water.

SB 6756 by Senators Benton, Hochstatter and Zarelli

AN ACT Relating to accounting of support payments; and amending RCW 26.09.120, 26.23.050, and 26.23.120.  
Referred to Committee on Judiciary.

SB 6757 by Senators Rossi, T. Sheldon, Hewitt, Finkbeiner, Stevens, Honeyford, Horn, Roach, McCaslin, Zarelli, Hochstatter, Johnson, Oke, Benton, Hale, Parlette and Long

AN ACT Relating to the inclusion of an economic impact analysis in legislative fiscal notes; and amending RCW 43.88A.020.  
Referred to Committee on State and Local Government.

SB 6758 by Senators Rossi, T. Sheldon, Finkbeiner, Honeyford, Stevens, Hewitt, Horn, McCaslin, Zarelli, Hochstatter, Johnson, West, Benton, Hale and Parlette

AN ACT Relating to the state expenditure limit; amending RCW 43.135.025 and 43.135.060; reenacting and amending RCW 43.135.035 and 43.135.045; and providing for submission of this act to a vote of the people.  
Referred to Committee on Ways and Means.

SB 6759 by Senators Rossi, Horn, Stevens, T. Sheldon, Finkbeiner, Honeyford, McCaslin, Hochstatter, Johnson, Oke and Hale

AN ACT Relating to municipal tax fairness; amending RCW 35.21.710; adding a new chapter to Title 35 RCW; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 6760 by Senators Fraser, Kline and Regala

AN ACT Relating to private owners of public water systems not regulated as public utilities; and adding a new chapter to Title 19 RCW.  
Referred to Committee on Environment, Energy and Water.

SB 6761 by Senators West and Parlette

AN ACT Relating to offering covered health services to employers with no more than fifty employees; amending RCW 48.21.045, 48.21.047, 48.43.035, 48.44.023, 48.44.024, 48.46.066, and 48.46.068; and providing an effective date.

Referred to Committee on Health and Long-Term Care.

SB 6762 by Senators Rasmussen, Sheahan, Hewitt, McAuliffe, Rossi, Hale, Prentice, Hochstatter, Shin, Morton, Stevens, Roach, Honeyford, Johnson, West, Benton, Parlette, McDonald, Zarelli, Horn, Deccio, Swecker, Winsley and T. Sheldon

AN ACT Relating to updating state law to conform to changes in federal estate tax; amending RCW 11.02.005 and 83.100.020; and creating a new section.

Referred to Committee on Ways and Means.

SB 6763 by Senators Costa, Hargrove, Long, Carlson, Winsley and Kohl-Welles

AN ACT Relating to a task force on funding for community-based services to victims of crime; adding a new section to chapter 43.31 RCW; and providing an expiration date.

Referred to Committee on Human Services and Corrections.

SB 6764 by Senators Jacobsen, Oke and Spanel

AN ACT Relating to catch record cards; and amending RCW 77.32.430.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6765 by Senators Fraser, Morton, Regala, Honeyford and Winsley (by request of Department of Ecology)

AN ACT Relating to studies concerning water resource management; creating new sections; and making an appropriation.

Referred to Committee on Environment, Energy and Water.

SB 6766 by Senator Snyder

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

Referred to Committee on State and Local Government.

SB 6767 by Senators Snyder, Rasmussen and Morton

AN ACT Relating to adjusting the dollar threshold for substantial development under the shoreline management act; amending RCW 90.58.030; and creating a new section.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6768 by Senators Snyder, Rasmussen and Morton

AN ACT Relating to permits for a conditional use or variance issued by local governments under approved master programs pursuant to the shoreline management act; amending RCW 90.58.140; adding a new section to chapter 90.58 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6769 by Senators Honeyford, Prentice, Rasmussen and Hochstatter

AN ACT Relating to sheepherder housing; amending RCW 70.114A.020; and adding a new section to chapter 49.17 RCW.

Referred to Committee on Labor, Commerce and Financial Institutions.

SJR 8226 by Senators McDonald, Prentice, West, Gardner, Rossi, Costa, Oke and Winsley

Transferring general fund revenues into an emergency reserve fund.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6763 was referred to the Committee on Human Services and Corrections.

#### MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

#### SENATE RESOLUTION 8730

**By Senators Betti Sheldon and Rasmussen**

**WHEREAS, In the summer of 1939, Williamsport, Pennsylvania; resident Carl E. Stotz gathered neighborhood children and devised a baseball program for young boys called the Little League; and**

WHEREAS, Today, three million participants in ninety countries have been introduced to this beloved American pastime; and

WHEREAS, Little League mentors young children in sportsmanship, self-confidence and safety; and

WHEREAS, During June, July and August of 2001, a Bainbridge Island Little League team comprised of players ages 11-12 won a series of state, regional and district tournaments; and

WHEREAS, The Bainbridge Island All-Stars won the Northwest Regional championship tournament qualifying them for the Little League World Series held in Williamsport, Pennsylvania, from August 17-26, 2001; and

WHEREAS, The Bainbridge Island All-Star Team, comprised of Adam Beck, Jesse Colkitt, Dalton Gent, Coby Gibler, Tal Glass, Michael Heald, Nash Hensen, Peter Huisinga, Austin Hurt, Peter Leslie, Rudy Sharar, Robert Stevenson, Taurean Yamada, manager Don French, and coaches Dick Henshaw and Greg Stevenson, felt privileged and honored to represent their state and the entire Northwest region in the tournament; and

WHEREAS, Playing a total of twenty games, they were one of sixteen teams from around the world to participate in the championship; and

WHEREAS, Embodying the Little League motto "character, courage, and loyalty," their magical season ended with a 17-3 record, as they finished second place for the United States in the Pool B division of the Little League World Series;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby acknowledge these fine players and coaches who represented our state in a national championship; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the Bainbridge Island All-Star Team.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the players, the coaches and the families of the Bainbridge Island Little League Baseball Team, who were seated in the gallery.

#### MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

#### SENATE RESOLUTION 8729

By Senator Betti Sheldon

WHEREAS, 2001 marked the Fiftieth Anniversary of the Babe Ruth League, named after arguably the greatest baseball player of all time, George Herman "Babe" Ruth; and

WHEREAS, The Babe Ruth League ranks as the premier amateur baseball organization in the world, with 1 million participants throughout the United States and Canada; and

WHEREAS, The North Kitsap Babe Ruth All-Star team sets ideals of commitment and good sportsmanship; and

WHEREAS, This group of thirteen to fifteen year olds plays on a regulation-sized baseball diamond; and

WHEREAS, By winning the Northwest Regional tournament in The Dalles, Oregon, the North Kitsap Babe Ruth All Stars, comprised of Josh Beahan, Nate Brown, Blake Buel, Jeff Camus, Sean Carlson, Marcus Curtis, Kevin Gartin, Erik Gronnvoll, Taylor Heins, Jordan Henry, Barrett Kanyer, Miles Thomson, Travis Tobin, Chris Williams, head coach Bill Burton, and coaches Ollie Kenyon and Jerry Johnson, qualified for the Babe Ruth World Series; and

WHEREAS, They were the first team to represent North Kitsap in the Babe Ruth World Series, which last year was held in Longview, Washington, from August 17-25; and

WHEREAS, The team placed third in the Babe Ruth World series, the first time a Northwest team had advanced to this level since 1988, when a Senior Babe Ruth Class AA team led by former Seattle Mariner baseball pitcher Aaron Sele, performed the feat;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby recognize the hard work and dedication of these baseball players; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the members of the North Kitsap Babe Ruth All-Star team.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the players, the coaches and the families of the North Kitsap Babe Ruth All Star Baseball Team, who were seated in the gallery.

#### MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

#### SENATE RESOLUTION 8715

By Senators Rasmussen, Johnson, Spanel, Roach, Franklin, Sheahan, Kohl-Welles, Hewitt, Parlette, Honeyford, Fraser, Regala, Haugen, Eide and Sheldon, B.

WHEREAS, 2002 is the Centennial Year of 4-H; and  
WHEREAS, The 4-H Youth Development Program has helped young people in Washington develop useful “life skills” since it was established in 1914; and  
WHEREAS, 4-H has served the youth of our country for a century; and  
WHEREAS, 4-H has withstood the test of time and changed with the times; and  
WHEREAS, Early programs focused on increased agricultural production and safe food preparation and preservation; and  
WHEREAS, During World War II, 4-H established itself as a program for urban audiences by focusing on victory gardens, salvage/recycling programs and bond campaigns; and  
WHEREAS, 4-H has had an international program since 1948, hosting and sending youth and adults to over sixty different partner countries; and  
WHEREAS, 4-H serves youth in rural, suburban and urban settings with research based programs in life skills education and emerging issues; and  
WHEREAS, The program centers on teaching young people to become productive members of society by fostering self-esteem, communication and decision-making skills; and  
WHEREAS, 86,500 young people throughout Washington participated in 4-H Youth Development programs in 2001; and  
WHEREAS, These programs help participants learn about a wide variety of subjects including: social, plant, animal and mechanical sciences; expressive and applied arts; family living; and environmental stewardship; and  
WHEREAS, In addition to working with traditional community clubs, the programs reach youth through urban groups, special interest groups, nutrition programs, school enrichment, camping, home-school programs, and interagency learning experiences; and  
WHEREAS, the 4-H Youth Development Program promotes volunteer service by enlisting more than 10,000 volunteers statewide, who donate an average two hundred hours of their time during the year; and  
WHEREAS, In 2001, the program achieved its goal of reaching a more diverse audience as roughly twenty-seven percent of participants came from ethnic minority groups; and  
WHEREAS, More than three hundred 4-H members from around the state are currently visiting the State Capitol as part of a statewide education program titled “4-H Know Your Government”;  
WHEREAS, Washington State University 4-H engages young people with their communities, fostering both their rights and responsibilities by focusing on community service learning; and  
NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate recognize the 4-H Youth Development Program for its many contributions to the youth of Washington and the betterment of our communities; and  
BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Kevin Wright, the State Program Coordinator for the 4-H Youth Development Program.

Senators Rasmussen, Haugen and Hewitt spoke to Senate Resolution 8715.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the 4-H members, who were seated in the gallery, as well as Ann Dorn from the Edgewood Hoof Beats and Paws 4-H club, who was seated on the rostrum.

#### MOTION

On motion of Senator Franklin, the following resolution was adopted:

#### SENATE RESOLUTION 8732

**By Senators Franklin, Snyder, Johnson, Honeyford, Parlette, Hewitt, Spanel, Sheahan, Fraser, Regala, Rasmussen, Kohl-Welles, McAuliffe, Sheldon, B., Carlson and Eide**

**WHEREAS, All citizens should be made aware of the safe, proper, effective and efficient use of medications; and**

**WHEREAS, nearly half of the medicines prescribed are used incorrectly contributing to prolonged illness, avoidable side effects and interactions, and unnecessary hospitalization which could be prevented; and**

**WHEREAS, the efforts of our educational, state, and voluntary pharmacy organizations are instrumental in educating the public about safe and proper medication use; and**

**WHEREAS, pharmacists are devoted to improving patient health care outcomes in collaboration with other health care providers in our community, hospital, managed care, nursing home, home health care, and research and industry sites; and**

**WHEREAS, pharmacists provide a vital service to the community and to the advancement of high quality, cost-effective health care;**

**NOW, THEREFORE BE IT RESOLVED, that the Washington State Senate recognize and honor pharmacists on Pharmacy Day, February 1, 2002.**

Senators Franklin, Thibaudeau, Parlette and Honeyford spoke to Senate Resolution 8732.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Rod Shafer, Executive Director of the Washington State Pharmacy Association, as well as pharmacists from across the state, who were seated in the gallery.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the seventh order of business.

#### THIRD READING

SENATE BILL NO. 5624, by Senator Kohl-Welles

Requiring disclosure of fire protection and building safety information.

#### MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 5624 was returned to second reading and read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.18.060 and 1991 c 154 s 2 are each amended to read as follows:

The landlord will at all times during the tenancy keep the premises fit for human habitation, and shall in particular:

(1) Maintain the premises to substantially comply with any applicable code, statute, ordinance, or regulation governing their maintenance or operation, which the legislative body enacting the applicable code, statute, ordinance or regulation could enforce as to the premises rented if such condition substantially endangers or impairs the health or safety of the tenant;

(2) Maintain the roofs, floors, walls, chimneys, fireplaces, foundations, and all other structural components in reasonably good repair so as to be usable and capable of resisting any and all normal forces and loads to which they may be subjected;

(3) Keep any shared or common areas reasonably clean, sanitary, and safe from defects increasing the hazards of fire or accident;

(4) Provide a reasonable program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and, except in the case of a single family residence, control infestation during tenancy except where such infestation is caused by the tenant;

(5) Except where the condition is attributable to normal wear and tear, make repairs and arrangements necessary to put and keep the premises in as good condition as it by law or rental agreement should have been, at the commencement of the tenancy;

(6) Provide reasonably adequate locks and furnish keys to the tenant;

(7) Maintain all electrical, plumbing, heating, and other facilities and appliances supplied by him in reasonably good working order;

(8) Maintain the dwelling unit in reasonably weathertight condition;

(9) Except in the case of a single family residence, provide and maintain appropriate receptacles in common areas for the removal of ashes, rubbish, and garbage, incidental to the occupancy and arrange for the reasonable and regular removal of such waste;

(10) Except where the building is not equipped for the purpose, provide facilities adequate to supply heat and water and hot water as reasonably required by the tenant;

(11)(a) Provide a written notice to all tenants disclosing fire safety and protection information. The landlord or his or her authorized agent must provide a written notice to the tenant that the dwelling unit is equipped with a smoke detection device as required in RCW 48.48.140. The notice shall inform the tenant of the tenant's responsibility to maintain the smoke detection device in proper operating condition and of penalties for failure to comply with the provisions of RCW 48.48.140(3). The notice must be signed by the landlord or the landlord's authorized agent and tenant with copies provided to both parties. Further, except with respect to a single-family residence, the written notice must also disclose the following:

(i) Whether the smoke detection device is hard-wired or battery operated;

(ii) Whether the building has a fire sprinkler system;

(iii) Whether the building has a fire alarm system;

(iv) Whether the building has a smoking policy, and what that policy is;

(v) Whether the building has an emergency notification plan for the occupants and, if so, provide a copy to the occupants;

(vi) Whether the building has an emergency relocation plan for the occupants and, if so, provide a copy to the occupants; and  
(vii) Whether the building has an emergency evacuation plan for the occupants and, if so, provide a copy to the occupants.

(b) The written notice must be provided to new tenants at the time the lease or rental agreement is signed, and must be provided to current tenants as soon as possible, but not later than January 1, 2004; and

(12) Designate to the tenant the name and address of the person who is the landlord by a statement on the rental agreement or by a notice conspicuously posted on the premises. The tenant shall be notified immediately of any changes by certified mail or by an updated posting. If the person designated in this section does not reside in the state where the premises are located, there shall also be designated a person who resides in the county who is authorized to act as an agent for the purposes of service of notices and process, and if no designation is made of a person to act as agent, then the person to whom rental payments are to be made shall be considered such agent((-));

No duty shall devolve upon the landlord to repair a defective condition under this section, nor shall any defense or remedy be available to the tenant under this chapter, where the defective condition complained of was caused by the conduct of such tenant, his family, invitee, or other person acting under his control, or where a tenant unreasonably fails to allow the landlord access to the property for purposes of repair. When the duty imposed by subsection (1) of this section is incompatible with and greater than the duty imposed by any other provisions of this section, the landlord's duty shall be determined pursuant to subsection (1) of this section."

#### MOTIONS

On motion of Senator Kohl-Welles, the following title amendment was adopted: On page 1, line 2 of the title, after "information;" strike the remainder of the title and insert "and amending RCW 59.18.060."

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Senate Bill No. 5624 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5624.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5624 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED SENATE BILL NO. 5624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 5629, by Senators Patterson and Horn (by request of Office of Financial Management)

Changing the office of financial management's budgeting, accounting, and reporting requirements for state agencies.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5629.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5629 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 5683, by Senators Horn and Haugen (by request of Washington State Patrol)

Adding an ex officio member to the building code council.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5683.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5683 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5683, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

February 1, 2002

MR. PRESIDENT:

The House has passed HOUSE JOINT MEMORIAL NO. 4021, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

#### MOTION

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

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

HJM 4021 by Representatives Buck, Rockefeller, Chandler, Holmquist, Schoesler, Mulliken, Sump, Cox, Pflug, Delvin, Cairnes, Sehlin, Armstrong, Jackley, Ballasiotes, Ahern, Talcott, Nixon, Jarrett, Skinner, Anderson, Lovick, Kenney, Morell, Schmidt, Miloscia, Simpson, Berkey, Lantz, Darneille, Fromhold, Hunt, Cooper, Conway, Casada, Esser, Campbell, Dunshee, Sommers, Gombosky, Ruderman, Eickmeyer, Kagi, Tokuda, Doumit, Sullivan, Cody, Wood, Pearson, Van Luven, Kessler, Chase, Ogden, Haigh and Woods

Honoring West Point on its 200th Anniversary.

#### MOTION

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

#### SECOND READING

HOUSE JOINT MEMORIAL NO. 4021, by Representatives Buck, Rockefeller, Chandler, Holmquist, Schoesler, Mulliken, Sump, Cox, Pflug, Delvin, Cairnes, Sehlin, Armstrong, Jackley, Ballasiotes, Ahern, Talcott, Nixon, Jarrett, Skinner, Anderson, Lovick, Kenney, Morell, Schmidt, Miloscia, Simpson, Berkey, Lantz, Darneille, Fromhold, Hunt, Cooper, Conway, Casada, Esser, Campbell, Dunshee, Sommers, Gombosky, Ruderman, Eickmeyer, Kagi, Tokuda, Doumit, Sullivan, Cody, Wood, Pearson, Van Luven, Kessler, Chase, Ogden, Haigh and Woods

Honoring West Point on its 200th Anniversary.

The joint memorial was read the second time.

#### HOUSE JOINT MEMORIAL NO. 4021

TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES, AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES, IN CONGRESS ASSEMBLED, AND TO LIEUTENANT GENERAL WILLIAM J. LENNOX, JR., SUPERINTENDENT, UNITED STATES MILITARY ACADEMY, WEST POINT:

We, your Memorialists, the Senate and House of Representatives of the State of Washington, in legislative session assembled, respectfully represent and petition as follows:

WHEREAS, The United States Military Academy today celebrates 200 years of providing leaders of character for our Army and a lifetime of selfless service to the Nation; and

WHEREAS, On March 16, 1802, President Thomas Jefferson signed into law a bill of the United States Congress authorizing the establishment of "a military academy to be located at West Point in the State of New York;" and

WHEREAS, West Point was originally created as an academic institution devoted to the arts and sciences of warfare, and later emphasizing engineering to serve the needs of the Nation and to eliminate the country's reliance on foreign engineers and artillerymen; and

WHEREAS, Isaac I. Stevens, the first graduate of West Point's Class of 1839, served as the first Governor of the Territory of Washington, and organized and led the Northern Railway Survey that paved the way for the transcontinental railroads to Washington; and

WHEREAS, United States Military Academy graduates were responsible for the construction of many of the Nation's initial railway lines, bridges, harbors and roads, and surveys and mapmaking that were vital to the infrastructure development of our great Country and its State of Washington; and

WHEREAS, United States Military Academy led Army forces into the wilderness area that became the Territory and State of Washington, providing protection and development services until the civil authority was able to assume these functions; and

WHEREAS, West Point graduates have distinguished themselves in countless ways, from Olympic glory to receiving the Heisman Trophy, from receiving scores of Rhodes Scholarships to serving as some of the Nation's pioneering astronauts; and

WHEREAS, The United States Military Academy is preparing for its third century of service to our Nation - a future in which fighting and winning our Nation's wars remains the Army's primary focus; and

WHEREAS, The United States Military Academy must also prepare officers for peacekeeping duties as part of an ever complex world; and

WHEREAS, The United States Military Academy remains today an energetic, vibrant institution that attracts some of the Nation's best and brightest young men and women from throughout the Country and its State of Washington who, in the next two hundred years of service to this Nation, will face challenges different from those that have gone before them to make up the storied Long Gray Line; and

WHEREAS, The United States Military Academy continues its lasting commitment to its motto of Duty, Honor, Country;

NOW, THEREFORE, Your Memorialists respectfully pray that the President of the United States and the Congress join with the state of Washington and other states in honoring the 200th Anniversary of the United States Military Academy at West Point in recognizing that the United States Military Academy is a living testament to the accomplishments of the United States throughout its history, and in recognizing West Point and its graduates as they move forward into the Academy's third century of service to the Nation.

BE IT RESOLVED, That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, Lieutenant General William J. Lennox, Jr., Superintendent, United States Military Academy, West Point, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Joint Memorial No. 4021 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Joint Memorial No. 4021.

#### ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 4021 and the joint memorial passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator Gardner - 1.

HOUSE JOINT MEMORIAL NO. 4021, having received the constitutional majority, was declared passed.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced a Washington delegation of West Point Graduates, celebrating the bicentennial of the United States Military Academy, who were seated in the gallery.

#### MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the seventh order of business.

#### THIRD READING

SENATE BILL NO. 5692, by Senators Costa, Long, Hargrove, Rasmussen and Kohl-Welles

Creating youth courts.

#### MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 5692 was returned to second reading and read the second time.

## MOTIONS

On motion of Senator Costa, the following striking amendment by Senators Costa, Long and Hargrove was adopted: Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" when used without further qualification means the district court under chapter 3.30 RCW, the municipal department under chapter 3.46 RCW, or the municipal court under chapter 3.50 or 35.20 RCW.

(2) "Traffic infraction" means those acts defined as traffic infractions by RCW 46.63.020.

(3) "Youth court" means an alternative method of hearing and disposing of traffic infractions for juveniles age sixteen or seventeen.

**NEW SECTION. Sec. 2.** (1) A court created under chapter 3.30, 3.46, 3.50, or 35.20 RCW may create a youth court. The youth court shall have jurisdiction over traffic infractions alleged to have been committed by juveniles age sixteen or seventeen. The court may refer a juvenile to the youth court upon request of any party or upon its own motion.

(2) To be referred to a youth court, a juvenile:

(a) May not have a prior traffic infraction;

(b) May not be under the jurisdiction of any court for a violation of any provision of Title 46 RCW;

(c) May not have any convictions for a violation of any provision of Title 46 RCW; and

(d) Must acknowledge that there is a high likelihood that he or she would be found to have committed the traffic infraction.

**NEW SECTION. Sec. 3.** (1) A youth court agreement shall be a contract between a juvenile accused of a traffic infraction and a youth court whereby the juvenile agrees to fulfill certain conditions in lieu of a determination that a traffic infraction occurred. Such agreements may be entered into only after the law enforcement authority has determined that probable cause exists to believe that a traffic infraction has been committed and that the juvenile committed it. A youth court agreement shall be reduced to writing and signed by the youth and his or her parent, guardian, or legal custodian accepting the terms of the agreement. Such agreements shall be entered into as expeditiously as possible.

(2) A youth court agreement shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by any victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" includes a community-based nonprofit organization, if approved by the youth court. The state shall not be liable for costs resulting from the youth court exercising the option to permit an agreement to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A monetary penalty, not to exceed one hundred dollars. In determining the amount of the monetary penalty, the youth court shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the monetary penalty. The youth court shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the monetary penalty to be imposed;

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas;

(f) Upon request of any victim or witness, requirements to refrain from any contact with victims or witnesses of traffic infractions committed by the juvenile;

(g) Participating in law-related education classes, appropriate counseling, treatment, or other education programs;

(h) Providing periodic reports to the youth court;

(i) Participating in mentoring programs;

(j) Serving as a participant in future youth court proceedings;

(k) Writing apology letters; or

(l) Writing essays.

(3) Youth courts shall not impose a term of confinement or detention. Youth courts may require that the youth pay reasonable fees to participate in youth court and in classes, counseling, treatment, or other educational programs that are the disposition of the youth court.

(a) Except as provided in subsection (5) of this section, a youth court disposition shall be completed within one hundred eighty days from the date of referral.

(b) The youth court shall notify the court upon successful or unsuccessful completion of the disposition.

(4) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a youth court agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the youth court and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the youth court agreement and shall supervise the juvenile in carrying out its terms.

(5)(a) A youth court agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the youth.

(b) If additional time is necessary for the juvenile to complete restitution to a victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the court may extend the judgment for restitution an additional ten years. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The court shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

(6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the youth court agreement.

(7) Any juvenile who is, or may be, referred to a youth court shall be afforded due process in all contacts with the youth court regardless of whether the juveniles are accepted by the youth court or whether the youth court program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written agreement shall be executed stating all conditions in clearly understandable language;  
(b) Violation of the terms of the agreement shall be the only grounds for termination;  
(c) No juvenile may be terminated from a youth court program without being given a court hearing, which hearing shall be preceded by:

(i) Written notice of alleged violations of the conditions of the youth court program; and  
(ii) Disclosure of all evidence to be offered against the juvenile;  
(d) The hearing shall be conducted by the court and shall include:  
(i) Opportunity to be heard in person and to present evidence;  
(ii) The right to confront and cross-examine all adverse witnesses;  
(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and  
(iv) Demonstration by evidence that the juvenile has substantially violated the terms of his or her youth court agreement.  
(8) The youth court shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during youth court hearings or negotiations.  
(9) The youth court shall be responsible for advising a juvenile of his or her rights as provided in this chapter.  
(10) The youth court may refer a juvenile to community-based counseling or treatment programs.  
(11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the youth court process or to appear in the court. The juvenile may be represented by counsel at any critical stage of the process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake interview of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the youth court agreement process.

(12) When a juvenile enters into a youth court agreement, the court may receive only the following information for dispositional purposes:

(a) The fact that a traffic infraction was alleged to have been committed;  
(b) The fact that a youth court agreement was entered into;  
(c) The juvenile's obligations under such agreement;  
(d) Whether the juvenile performed his or her obligations under such agreement; and  
(e) The facts of the alleged traffic infraction.  
(13) A youth court may refuse to enter into a youth court agreement with a juvenile. When a youth court refuses to enter a youth court agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a youth court agreement. The youth court shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the youth court agreement.

(14) A youth court may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed a traffic infraction involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a youth court agreement. A youth court's authority to counsel and release a juvenile under this subsection includes the authority to refer the juvenile to community-based counseling or treatment programs. A juvenile determined to be eligible by a youth court for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the youth court.

(15) A youth court may supervise the fulfillment of a youth court agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the juvenile's eighteenth birthday.

(16) If a monetary penalty required by a youth court agreement cannot reasonably be paid due to a change of circumstance, the youth court agreement may be modified at the request of the juvenile and with the concurrence of the youth court to convert an unpaid monetary penalty into community service. The modification of the youth court agreement shall be in writing and signed by the juvenile and the youth court. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

(17) Monetary penalties imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the court and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

**NEW SECTION. Sec. 4.** Youth courts provide a disposition method for cases involving juveniles alleged to have committed traffic infractions, in which participants, under the supervision of an adult coordinator, may serve in various capacities within the program, acting in the role of jurors, lawyers, clerks, bailiffs, and judges. Youth courts have no jurisdiction except as provided for in this chapter. Youth courts are not courts established under Article IV of the state Constitution.

**NEW SECTION. Sec. 5.** (1) The administrative office of the courts shall encourage the courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(a) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;  
(b) Target youth ages sixteen and seventeen who are alleged to have committed a traffic infraction; and  
(c) Emphasize the following principles:  
(i) Youth must be held accountable for their problem behavior;  
(ii) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;  
(iii) Youth must develop skills to resolve problems with their peers more effectively; and  
(iv) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

(2) Youth court programs may be established by law enforcement entities, municipal courts, district courts, juvenile probation departments, private nonprofit organizations, and schools, under the supervision of the court.

**NEW SECTION. Sec. 6.** (1) Youth courts have authority over juveniles ages sixteen and seventeen who:  
(a) Along with their parent, guardian, or legal custodian, voluntarily and in writing request youth court involvement;  
(b) Admit they have committed the traffic infraction they are referred for;  
(c) Along with their parent, guardian, or legal custodian, waive any privilege against self-incrimination concerning the offense; and  
(d) Along with their parent, guardian, or legal custodian, agree to comply with the youth court disposition of the case.  
(2) Youth courts shall not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before the juvenile court but which has not yet been adjudicated.

(3) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.

(4) A youth or his or her parent, guardian, or legal custodian may withdraw from the youth court process at any time.  
(5) Youth courts shall give any victims of a juvenile the opportunity to be notified, present, and heard in any youth court proceeding.

NEW SECTION. Sec. 7. Youth court may not notify the court of satisfaction of conditions until all ordered restitution has been paid.

NEW SECTION. Sec. 8. Every youth appearing before a youth court shall be accompanied by his or her parent, guardian, or legal custodian.

Sec. 9. RCW 13.40.020 and 1997 c 338 s 10 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community service not to exceed one hundred fifty hours of service;

(3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community service may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110 or who is otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community service; or (d) \$0-\$500 fine;

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense if the offense is a sex offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(23) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030.

(30) "Youth court" means a diversion unit under the supervision of the juvenile court.

**Sec. 10.** RCW 13.40.080 and 1999 c 91 s 1 are each amended to read as follows:

(1) A diversion agreement shall be a contract between a juvenile accused of an offense and a ~~((diversionary))~~ diversion unit whereby the juvenile agrees to fulfill certain conditions in lieu of prosecution. Such agreements may be entered into only after the prosecutor, or probation counselor pursuant to this chapter, has determined that probable cause exists to believe that a crime has been committed and that the juvenile committed it. Such agreements shall be entered into as expeditiously as possible.

(2) A diversion agreement shall be limited to one or more of the following:

(a) Community service not to exceed one hundred fifty hours, not to be performed during school hours if the juvenile is attending school;

(b) Restitution limited to the amount of actual loss incurred by ~~((the))~~ any victim;

(c) Attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions at a community agency. The educational or informational sessions may include sessions relating to respect for self, others, and authority; victim awareness; accountability; self-worth; responsibility; work ethics; good citizenship; literacy; and life skills. For purposes of this section, "community agency" may also mean a community-based nonprofit organization, if approved by the diversion unit. The state shall not be liable for costs resulting from the ~~((diversionary))~~ diversion unit exercising the option to permit diversion agreements to mandate attendance at up to ten hours of counseling and/or up to twenty hours of educational or informational sessions;

(d) A fine, not to exceed one hundred dollars. In determining the amount of the fine, the diversion unit shall consider only the juvenile's financial resources and whether the juvenile has the means to pay the fine. The diversion unit shall not consider the financial resources of the juvenile's parents, guardian, or custodian in determining the fine to be imposed;

(e) Requirements to remain during specified hours at home, school, or work, and restrictions on leaving or entering specified geographical areas; and

(f) Upon request of ~~((the))~~ any victim or witness, requirements to refrain from any contact with victims or witnesses of offenses committed by the juvenile.

(3) Notwithstanding the provisions of subsection (2) of this section, youth courts are not limited to the conditions imposed by subsection (2) of this section in imposing sanctions on juveniles pursuant to section 16 of this act.

(4) In assessing periods of community service to be performed and restitution to be paid by a juvenile who has entered into a diversion agreement, the court officer to whom this task is assigned shall consult with the juvenile's custodial parent or parents or guardian and victims who have contacted the ~~((diversionary))~~ diversion unit and, to the extent possible, involve members of the community. Such members of the community shall meet with the juvenile and advise the court officer as to the terms of the diversion agreement and shall supervise the juvenile in carrying out its terms.

~~((4))~~ (5)(a) A diversion agreement may not exceed a period of six months and may include a period extending beyond the eighteenth birthday of the diveree.

(b) If additional time is necessary for the juvenile to complete restitution to ~~((the))~~ a victim, the time period limitations of this subsection may be extended by an additional six months.

(c) If the juvenile has not paid the full amount of restitution by the end of the additional six-month period, then the juvenile shall be referred to the juvenile court for entry of an order establishing the amount of restitution still owed to the victim. In this order, the court shall also determine the terms and conditions of the restitution, including a payment plan extending up to ten years if the court determines that the juvenile does not have the means to make full restitution over a shorter period. For the purposes of this subsection ~~((4))~~ (5)(c), the juvenile shall remain under the court's jurisdiction for a maximum term of ten years after the juvenile's eighteenth birthday. Prior to the expiration of the initial ten-year period, the juvenile court may extend the judgment for restitution an additional ten years. The court may not require the juvenile to pay full or partial restitution if the juvenile reasonably satisfies the court that he or she does not have the means to make full or partial restitution and could not reasonably acquire the means to pay the restitution over a ten-year period. The county clerk shall make disbursements to victims named in the order. The restitution to victims named in the order shall be paid prior to any payment for other penalties or monetary assessments. A juvenile under obligation to pay restitution may petition the court for modification of the restitution order.

~~((5))~~ (6) The juvenile shall retain the right to be referred to the court at any time prior to the signing of the diversion agreement.

~~((6))~~ (7) Divertees and potential divertees shall be afforded due process in all contacts with a ~~((diversionary))~~ diversion unit regardless of whether the juveniles are accepted for diversion or whether the diversion program is successfully completed. Such due process shall include, but not be limited to, the following:

(a) A written diversion agreement shall be executed stating all conditions in clearly understandable language;

(b) Violation of the terms of the agreement shall be the only grounds for termination;

(c) No diveree may be terminated from a diversion program without being given a court hearing, which hearing shall be preceded

by:

(i) Written notice of alleged violations of the conditions of the diversion program; and

(ii) Disclosure of all evidence to be offered against the diveree;

(d) The hearing shall be conducted by the juvenile court and shall include:

(i) Opportunity to be heard in person and to present evidence;

(ii) The right to confront and cross-examine all adverse witnesses;

(iii) A written statement by the court as to the evidence relied on and the reasons for termination, should that be the decision; and

(iv) Demonstration by evidence that the diveree has substantially violated the terms of his or her diversion agreement.

(e) The prosecutor may file an information on the offense for which the diveree was diverted:

(i) In juvenile court if the diveree is under eighteen years of age; or

(ii) In superior court or the appropriate court of limited jurisdiction if the divertee is eighteen years of age or older.  
~~((7))~~ (8) The diversion unit shall, subject to available funds, be responsible for providing interpreters when juveniles need interpreters to effectively communicate during diversion unit hearings or negotiations.

~~((8))~~ (9) The diversion unit shall be responsible for advising a divertee of his or her rights as provided in this chapter.

~~((9))~~ (10) The diversion unit may refer a juvenile to community-based counseling or treatment programs.

~~((10))~~ (11) The right to counsel shall inure prior to the initial interview for purposes of advising the juvenile as to whether he or she desires to participate in the diversion process or to appear in the juvenile court. The juvenile may be represented by counsel at any critical stage of the diversion process, including intake interviews and termination hearings. The juvenile shall be fully advised at the intake of his or her right to an attorney and of the relevant services an attorney can provide. For the purpose of this section, intake interviews mean all interviews regarding the diversion agreement process.

The juvenile shall be advised that a diversion agreement shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the ~~((diversionary))~~ diversion unit together with the diversion agreement, and a copy of both documents shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language.

~~((11))~~ (12) When a juvenile enters into a diversion agreement, the juvenile court may receive only the following information for dispositional purposes:

- (a) The fact that a charge or charges were made;
- (b) The fact that a diversion agreement was entered into;
- (c) The juvenile's obligations under such agreement;
- (d) Whether the alleged offender performed his or her obligations under such agreement; and
- (e) The facts of the alleged offense.

~~((12))~~ (13) A ~~((diversionary))~~ diversion unit may refuse to enter into a diversion agreement with a juvenile. When a ~~((diversionary))~~ diversion unit refuses to enter a diversion agreement with a juvenile, it shall immediately refer such juvenile to the court for action and shall forward to the court the criminal complaint and a detailed statement of its reasons for refusing to enter into a diversion agreement. The ~~((diversionary))~~ diversion unit shall also immediately refer the case to the prosecuting attorney for action if such juvenile violates the terms of the diversion agreement.

~~((13))~~ (14) A ~~((diversionary))~~ diversion unit may, in instances where it determines that the act or omission of an act for which a juvenile has been referred to it involved no victim, or where it determines that the juvenile referred to it has no prior criminal history and is alleged to have committed an illegal act involving no threat of or instance of actual physical harm and involving not more than fifty dollars in property loss or damage and that there is no loss outstanding to the person or firm suffering such damage or loss, counsel and release or release such a juvenile without entering into a diversion agreement. A diversion unit's authority to counsel and release a juvenile under this subsection ~~((shall))~~ includes the authority to refer the juvenile to community-based counseling or treatment programs. Any juvenile released under this subsection shall be advised that the act or omission of any act for which he or she had been referred shall constitute a part of the juvenile's criminal history as defined by RCW 13.40.020(7). A signed acknowledgment of such advisement shall be obtained from the juvenile, and the document shall be maintained by the unit, and a copy of the document shall be delivered to the prosecutor if requested by the prosecutor. The supreme court shall promulgate rules setting forth the content of such advisement in simple language. A juvenile determined to be eligible by a ~~((diversionary))~~ diversion unit for release as provided in this subsection shall retain the same right to counsel and right to have his or her case referred to the court for formal action as any other juvenile referred to the unit.

~~((14))~~ (15) A diversion unit may supervise the fulfillment of a diversion agreement entered into before the juvenile's eighteenth birthday and which includes a period extending beyond the divertee's eighteenth birthday.

~~((15))~~ (16) If a fine required by a diversion agreement cannot reasonably be paid due to a change of circumstance, the diversion agreement may be modified at the request of the divertee and with the concurrence of the diversion unit to convert an unpaid fine into community service. The modification of the diversion agreement shall be in writing and signed by the divertee and the diversion unit. The number of hours of community service in lieu of a monetary penalty shall be converted at the rate of the prevailing state minimum wage per hour.

~~((16))~~ (17) Fines imposed under this section shall be collected and paid into the county general fund in accordance with procedures established by the juvenile court administrator under RCW 13.04.040 and may be used only for juvenile services. In the expenditure of funds for juvenile services, there shall be a maintenance of effort whereby counties exhaust existing resources before using amounts collected under this section.

**NEW SECTION. Sec. 11.** A new section is added to chapter 13.40 RCW to read as follows:

Youth courts provide a diversion for cases involving juvenile offenders, in which participants, under the supervision of an adult coordinator, may serve in various capacities within the program, acting in the role of jurors, lawyers, bailiffs, clerks, and judges. Youths who appear before youth courts are youths eligible for diversion pursuant to RCW 13.40.070 (6) and (7). Youth courts have no jurisdiction except as provided for in this act. Youth courts are diversion units and not courts established under Article IV of the state Constitution.

**NEW SECTION. Sec. 12.** A new section is added to chapter 13.40 RCW to read as follows:

(1) The administrative office of the courts shall encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses, civil, or traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(a) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(b) Target offenders age eight through seventeen; and

(c) Emphasize the following principles:

(i) Youth must be held accountable for their problem behavior;

(ii) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(iii) Youth must develop skills to resolve problems with their peers more effectively; and

(iv) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

(2) Youth court programs may be established by law enforcement entities, municipal courts, district courts, juvenile probation departments, private nonprofit organizations, and schools, under the supervision of juvenile court.

**NEW SECTION. Sec. 13.** A new section is added to chapter 13.40 RCW to read as follows:

(1) Youth courts have authority over juveniles ages eight through seventeen who:

(a) Along with their parent, guardian, or legal custodian, voluntarily and in writing request youth court involvement;

(b) Admit they have committed the offense they are referred for;

(c) Along with their parent, guardian, or legal custodian, waive any privilege against self-incrimination concerning the offense; and

(d) Along with their parent, guardian, or legal custodian, agree to comply with the youth court disposition of the case.

(2) Youth courts shall not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before the juvenile court but which has not yet been adjudicated.

(3) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.

- (4) A youth or his or her parent, guardian, or legal custodian may withdraw from the youth court process at any time.  
(5) Youth courts shall give any victims of a juvenile the opportunity to be notified, present, and heard in any youth court proceeding.

**NEW SECTION. Sec. 14.** A new section is added to chapter 13.40 RCW to read as follows:

Youth court may not notify the juvenile court of satisfaction of conditions until all ordered restitution has been paid.

**NEW SECTION. Sec. 15.** A new section is added to chapter 13.40 RCW to read as follows:

Every youth appearing before a youth court shall be accompanied by his or her parent, guardian, or legal custodian.

**NEW SECTION. Sec. 16.** A new section is added to chapter 13.40 RCW to read as follows:

(1) Youth court dispositional options include those delineated in RCW 13.40.080, and may also include:

- (a) Participating in law-related education classes, appropriate counseling, treatment, or other education programs;
- (b) Providing periodic reports to the youth court;
- (c) Participating in mentoring programs;
- (d) Serving as a participant in future youth court proceedings;
- (e) Writing apology letters; or
- (f) Writing essays.

(2) Youth courts shall not impose a term of confinement or detention. Youth courts may require that the youth pay reasonable fees to participate in youth court and in classes, counseling, treatment, or other educational programs that are the disposition of the youth court.

(3) A youth court disposition shall be completed within one hundred eighty days from the date of referral.

(4) Pursuant to RCW 13.40.080(1), a youth court disposition shall be reduced to writing and signed by the youth and his or her parent, guardian, or legal custodian accepting the disposition terms.

(5) Youth court shall notify the juvenile court upon successful or unsuccessful completion of the disposition.

(6) Youth court shall notify the prosecutor or probation counselor of a failure to successfully complete the youth court disposition.

**NEW SECTION. Sec. 17.** A new section is added to chapter 13.40 RCW to read as follows:

A youth court may require that a youth pay a nonrefundable fee, not exceeding thirty dollars, to cover the costs of administering the program. The fee may be reduced or waived for a participant. Fees shall be paid to and accounted for by the youth court.

**NEW SECTION. Sec. 18.** A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall encourage school districts to implement, expand, or use student court programs for students who commit violations of school rules and policies. Program operations of student courts may be funded by government and private grants. Student court programs are limited to those that:

(1) Are developed using the guidelines for creating and operating student court programs developed by nationally recognized student court projects;

(2) Target violations of school rules by students enrolled in public or private school; and

(3) Emphasize the following principles:

(a) Youth must be held accountable for their problem behavior;

(b) Youth must be educated about the impact their actions have on themselves and others including the school, school personnel, their classmates, their families, and their community;

(c) Youth must develop skills to resolve problems with their peers more effectively; and

(d) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

**NEW SECTION. Sec. 19.** A new section is added to chapter 28A.320 RCW to read as follows:

Local school boards may provide for school credit for participation as a member of a youth court as defined in section 1 of this act or RCW 13.40.020 or a student court pursuant to section 18 of this act.

**Sec. 20.** RCW 13.40.250 and 1997 c 338 s 36 are each amended to read as follows:

A traffic or civil infraction case involving a juvenile under the age of sixteen may be diverted in accordance with the provisions of this chapter or filed in juvenile court.

(1) If a notice of a traffic or civil infraction is filed in juvenile court, the juvenile named in the notice shall be afforded the same due process afforded to adult defendants in traffic infraction cases.

(2) A monetary penalty imposed upon a juvenile under the age of sixteen who is found to have committed a traffic or civil infraction may not exceed one hundred dollars. At the juvenile's request, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the prevailing state minimum wage per hour.

(3) A diversion agreement entered into by a juvenile referred pursuant to this section shall be limited to thirty hours of community service, or educational or informational sessions.

(4) Traffic or civil infractions referred to a youth court pursuant to this section are subject to the conditions imposed by section 16 of this act.

(5) If a case involving the commission of a traffic or civil infraction or offense by a juvenile under the age of sixteen has been referred to a diversion unit, an abstract of the action taken by the diversion unit may be forwarded to the department of licensing in the manner provided for in RCW 46.20.270(2).

**Sec. 21.** RCW 46.63.040 and 1984 c 258 s 137 are each amended to read as follows:

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in RCW 46.63.020 may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

(5) Any district or municipal court may refer juveniles age sixteen or seventeen who are enrolled in school to a youth court, as defined in section 1 of this act or RCW 13.40.020, for traffic infractions.

(6) The boards of regents of the state universities, and the boards of trustees of the regional universities and of The Evergreen State College have the authority to hear and determine traffic infractions under RCW 28B.10.560.

**NEW SECTION. Sec. 22.** Sections 1 through 8 of this act constitute a new chapter in Title 3 RCW."

## MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 2 of the title, after "violations;" strike the remainder of the title and insert "amending RCW 13.40.020, 13.40.080, 13.40.250, and 46.63.040; adding new sections to chapter 13.40 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.320 RCW; and adding a new chapter to Title 3 RCW."

On motion of Senator Costa, the rules were suspended, Engrossed Senate Bill No. 5692 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

#### POINT OF INQUIRY

Senator Thibaudeau: "Senator Costa, very briefly, some years ago when the Legislature did a major juvenile court reform, we were able to insert an amendment, whereby learning to read—as so many of these youths don't know how to read. Their community restitution could be considered learning how to read. Would this bill cover that?"

Senator Costa: "Thank you, Senator, for asking. The sanctions that are allowed under this bill are the same that are allowed under any diversion program that the court currently has. It does include offenders paying reasonable fees, taking education classes, which would include reading, counseling or treatment and community restitution, actually providing service within their community for paying back to the community. So, yes, that would be covered. Thank you."

Senator Thibaudeau: "Thank you."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5692.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5692 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Voting nay: Senators Hochstatter, Honeyford and Morton - 3.

ENGROSSED SENATE BILL NO. 5692, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 5699, by Senators Carlson, Benton, Honeyford, Hale and Zarelli

Modifying the Washington state scholars program.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5699.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5699 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SENATE BILL NO. 5699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 5735, by Senators Gardner, Roach, Haugen, Hochstatter, Honeyford, Stevens, Deccio, Rossi, Zarelli, Benton, Horn, T. Sheldon, Sheahan, Spanel, Shin, Finkbeiner, Hargrove, West, Long and Franklin

Allowing motorcycles to have blue dot taillights.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5735.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5735 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Absent: Senator Hargrove - 1.

SENATE BILL NO. 5735, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Winsley was excused.

#### THIRD READING

SENATE BILL NO. 5739, by Senators Gardner, Rasmussen, Eide, Sheahan, Horn and Kohl-Welles

Addressing transportation needs of persons with special transportation needs.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5739.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5739 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 48.

Excused: Senator Winsley - 1.

SENATE BILL NO. 5739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5777, by Senate Committee on Health and Long-Term Care (originally sponsored by Senators Prentice, Winsley, Thibaudeau, Deccio and Rasmussen)

Permitting retired and disabled employees to obtain health insurance.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Substitute Senate Bill No. 5777 was returned to second reading and read the second time.

#### MOTIONS

On motion of Senator Thibaudeau, the following amendments were considered simultaneously and adopted:

On page 4, line 23, after "December 1," strike "2008" and insert "2009"

On page 4, line 24, after "January 1," strike "2002" and insert "2003"

On page 4, line 26, after "January 1," strike "2002" and insert "2003"

On page 4, line 28, after "January 1," strike "2003" and insert "2004"

On motion of Senator Thibaudeau, the rules were suspended, Engrossed Substitute Senate Bill No. 5777 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5777.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5777 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 47.

Absent: Senator Finkbeiner - 1.

Excused: Senator Winsley - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### THIRD READING

SUBSTITUTE SENATE BILL NO. 5791, by Senate Committee on Judiciary (originally sponsored by Senators Kline, Sheahan, Patterson, McCaslin, Constantine, Johnson, Costa, Kohl-Welles, Deccio, Roach and Winsley)

Paying for certain actions and proceedings for damages brought against law enforcement officers.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5791.

### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5791 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 48.

Excused: Senator Winsley - 1.

SUBSTITUTE SENATE BILL NO. 5791, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5906, by Senate Committee on Education (originally sponsored by Senators Rasmussen, Finkbeiner, McAuliffe, Eide, Regala, Kastama, Hewitt, Hochstatter and Kohl-Welles)

Creating the technology in education task force.

### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 5906 was returned to second reading and read the second time.

### MOTION

On motion of Senator Rasmussen, the following amendments were considered simultaneously and adopted:

On page 2, line 6, strike "2001" and insert "2002"

On page 2, line 27, strike "co-speakers" and insert "speaker"

On page 3, line 1, strike "2001" and insert "2002"

### MOTION

On motion of Senator Rasmussen, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5906 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Substitute Senate Bill No. 5906.

### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5906 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5906, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

### MOTION

On motion of Senator Eide, Senator Tim Sheldon was excused.

THIRD READING

SENATE BILL NO. 5829, by Senators Prentice, Patterson and Swecker

Relating to cooperative activities by local governments.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5829.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5829 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Brown, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Absent: Senator Carlson - 1.

Excused: Senator Sheldon, T. - 1.

SENATE BILL NO. 5829, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

February 1, 2002

MR. PRESIDENT:

The Speaker has signed HOUSE JOINT MEMORIAL NO. 4021, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE JOINT MEMORIAL NO. 4021.

MOTION

At 12:00 noon, on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, February 4, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

NINETEENTH DAY, FEBRUARY 1, 2002

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

**TWENTY-SECOND DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Monday, February 4, 2002  
The Senate was called to order at 12:00 noon by Vice President Tempore Shin. No roll call was taken.

MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 31, 2002

SSB 5104 Prime Sponsor, Senate Committee on Natural Resources, Parks and Shorelines: Using revenues under the county conservation futures levy. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5104 be substituted therefor, and the second substitute bill do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, Oke, Snyder and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senators McDonald and Stevens.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 5128 Prime Sponsor, Senator Swecker: Removing limitation on prescription medications for industrial injuries. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 5311 Prime Sponsor, Senator Prentice: Applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 5425 Prime Sponsor, Senator Kohl-Welles: Implementing notices and procedures regarding aerial application of pesticides to control plant pests. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5425 be substituted therefor, and the second substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Honeyford, Jacobsen, Keiser and Morton.

MINORITY Recommendation: Do not pass. Signed by Senators Hale and McDonald.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 5728 Prime Sponsor, Senator Eide: Providing for temporary total disability compensation or medical aid benefits to be paid during appeal before the board of industrial insurance appeals. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 5774 Prime Sponsor, Senator Kohl-Welles: Revising condominium resale certificate fees. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Deccio, Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 5927 Prime Sponsor, Senator Costa: Requiring monetary penalties for prevailing wage settlements. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6060 Prime Sponsor, Senator Fraser: Updating references for purposes of the hazardous substance tax. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6060 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Fraser, Hewitt, Kline, Long, Parlette, Poulsen, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6061 Prime Sponsor, Senator Patterson: Requiring quarterly meetings of municipal firemen's pension boards. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Long, Parlette, Poulsen, Rasmussen, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6066 Prime Sponsor, Senator Spanel: Revising the definition of "public facilities" with regard to imposition of impact fees. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Haugen, Keiser, Kline and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Hale, Horn and McCaslin.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6085 Prime Sponsor, Senator Gardner: Providing for state certification and training for liquor control board officers. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6085 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Referred to Committee on Ways and Means.

January 29, 2002

SB 6234 Prime Sponsor, Senator Winsley: Requiring a date certain for the payment of insurance premiums. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6234 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Gardner, Hochstatter, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6244 Prime Sponsor, Senator McAuliffe: Establishing an accreditation process for prekindergarten programs. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6244 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 2002

SB 6248 Prime Sponsor, Senator Jacobsen: Funding bicycle and pedestrian safety. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6248 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice and Shin.

Passed to Committee on Rules for second reading.

February 1, 2002

SB 6249 Prime Sponsor, Senator Jacobsen: Establishing the distinguished flying cross license plate. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6249 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Horn, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice and Shin.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6255 Prime Sponsor, Senator Jacobsen: Determining a "highest responsible bidder" for valuable materials on state-owned lands. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 6255 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Oke, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6263 Prime Sponsor, Senator Prentice: Requiring modeling and theatrical agencies that charge a fee to provide applicants with a contract. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6263 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6264 Prime Sponsor, Senator Prentice: Allowing a chiropractor to be a licensed official at a boxing, kickboxing, or marital arts event. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6264 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Franklin, Gardner, Hochstatter, Regala and Winsley.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6265 Prime Sponsor, Senator Prentice: Requiring an ambulance and ambulance personnel at or near certain athletic event locations. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6265 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Franklin, Gardner, Hochstatter, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6277 Prime Sponsor, Senator Prentice: Increasing the size of the state investment board. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Deccio, Fairley, Franklin, Gardner, Hochstatter, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6283 Prime Sponsor, Senator Gardner: Changing the monetary threshold for competitive bidding requirements for public hospital districts. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6285 Prime Sponsor, Senator Regala: Providing incentives to reduce air pollution through the use of clean alternative fuel vehicles. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 6285 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen, Keiser and Morton.

MINORITY Recommendation: Do not pass. Signed by Senators Hale and McDonald.

Referred to Committee on Ways and Means.

February 1, 2002

SB 6286 Prime Sponsor, Senator Long: Revising provisions relating to the time permitted for review by the indeterminate sentence review board of sex offenders who are sentenced to short sentences under RCW 9.94A.712. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6286 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 1, 2002

SB 6287 Prime Sponsor, Senator Long: Clarifying the status of persons who commit criminal offenses while civilly detained or committed under chapter 71.09 RCW. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6312 Prime Sponsor, Senator McCaslin: Expanding the duration excess property taxes can be imposed. Reported by  
Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen,  
Horn, Keiser, McCaslin, T. Sheldon and Swecker.

Referred to Committee on Ways and Means.

January 31, 2002

SB 6313 Prime Sponsor, Senator Oke: Providing for the recovery of lost and abandoned fishing gear. Reported by  
Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 6313 be substituted therefor, and the substitute bill  
do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Oke, Snyder, Spanel and  
Stevens.

Passed to Committee on Rules for second reading.

February 1, 2002

SB 6316 Prime Sponsor, Senator Kastama: Regulating electric personal assistive mobility devices. Reported by Committee  
on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6316 be substituted therefor, and the substitute bill  
do pass. Signed by Senators Haugen, Chair; Eide, Horn, Johnson, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice  
and Shin.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6326 Prime Sponsor, Senator Prentice: Filing reports with the insurance commissioner. Reported by Committee on  
Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6326 be substituted therefor, and the substitute bill  
do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Hochstatter,  
Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6328 Prime Sponsor, Senator Parlette: Changing the definition of cherry harvest temporary labor camp. Reported by  
Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Deccio,  
Fairley, Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 1, 2002

SB 6336 Prime Sponsor, Senator Prentice: Addressing community renewal. Reported by Committee on Economic  
Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair;  
Finkbeiner, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6338 Prime Sponsor, Senator Keiser: Modifying the consumer loan act. Reported by Committee on Labor, Commerce  
and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley,  
Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6364 Prime Sponsor, Senator Winsley: Implementing recommendations of the joint legislative task force on mobile/manufactured home alteration and repair. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6364 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Hochstatter, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 1, 2002

SB 6371 Prime Sponsor, Senator McAuliffe: Establishing public school license plates. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6371 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Horn, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice and Shin.

Passed to Committee on Rules for second reading.

February 1, 2002

SB 6402 Prime Sponsor, Senator Costa: Providing for legal financial obligations deductions from inmate funds and wages. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6402 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6403 Prime Sponsor, Senator Kohl-Welles: Authorizing collective bargaining for University of Washington employees who are enrolled in academic programs. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6403 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Deccio, Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6413 Prime Sponsor, Senator Gardner: Limiting late payment charges. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6414 Prime Sponsor, Senator Prentice: Licensing and regulating money transmitters and currency exchangers. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6414 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Franklin, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Gardner and Hochstatter.

Referred to Committee on Ways and Means.

January 31, 2002

SB 6425 Prime Sponsor, Senator McAuliffe: Authorizing access to school meal programs and kitchen facilities. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6426 Prime Sponsor, Senator Keiser: Allowing sick leave to care for family members. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6426 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Deccio, Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6430 Prime Sponsor, Senator Zarelli: Authorizing issuance of high school diplomas to World War II veterans who were both honorably discharged and left high school before graduation to serve in World War II. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

February 1, 2002

SB 6435 Prime Sponsor, Senator Haugen: Disqualifying commercial drivers for grade crossing violations. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Finkbeiner, Horn, Jacobsen, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice and Shin.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6440 Prime Sponsor, Senator Prentice: Providing for collective bargaining at four-year institutions of higher education. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6440 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Deccio, Hochstatter and Honeyford.

HOLD.

February 1, 2002

SB 6445 Prime Sponsor, Senator Gardner: Creating a license plate emblem to benefit orca whale research. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6445 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice and Shin.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6452 Prime Sponsor, Senator Prentice: Giving the director of the department of licensing authority to adopt master application fees by rule. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Deccio, Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6457 Prime Sponsor, Senator Carlson: Adopting the uniform athlete agents act. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Franklin, Gardner, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6460 Prime Sponsor, Senator Haugen: Funding local government research services. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Horn, Keiser, Kline, McCaslin and Swecker.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6465 Prime Sponsor, Senator Carlson: Revising limitations on county auditors. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6483 Prime Sponsor, Senator Prentice: Regulating securities. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 1, 2002

SB 6493 Prime Sponsor, Senator Gardner: Regulating driving abstracts furnished to transit agencies on vanpool drivers. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice and Shin.

Passed to Committee on Rules for second reading.

February 1, 2002

SB 6497 Prime Sponsor, Senator T. Sheldon: Continuing a moratorium that prohibits a city or town from imposing a specific fee or tax on an internet service provider. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Finkbeiner, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6515 Prime Sponsor, Senator McAuliffe: Allowing the school district capital projects fund to provide for costs associated with implementing technology systems. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6515 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Kastama, Kohl-Welles, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6516 Prime Sponsor, Senator Regala: Changing damages for a self-insurer delaying or refusing to pay benefits. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Deccio, Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6525 Prime Sponsor, Senator Prentice: Regulating single premium credit insurance. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Deccio, Fairley, Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6526 Prime Sponsor, Senator Keiser: Renewing contracts of insurance that are subject to RCW 48.18.290. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6527 Prime Sponsor, Senator Keiser: Applying for a license or solicitation permit from the insurance commissioner. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6538 Prime Sponsor, Senator Regala: Establishing the ballast water work group. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Snyder and Spanel.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6542 Prime Sponsor, Senator McAuliffe: Changing the maximum allowable percentage for maintenance and operation school levies. Reported by Committee on Education

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Finkbeiner, Kastama, Kohl-Welles, Prentice, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Carlson, Hewitt, Hochstatter, Johnson and Zarelli.

Referred to Committee on Ways and Means.

February 1, 2002

SB 6543 Prime Sponsor, Senator B. Sheldon: Funding the community economic revitalization board. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Finkbeiner, McCaslin, Rossi and Stevens.

Referred to Committee on Ways and Means

February 1, 2002

SB 6578 Prime Sponsor, Senator B. Sheldon: Exempting land leases for personal wireless communication facilities from the subdivision act. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Finkbeiner, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

January 29, 2002

SB 6579 Prime Sponsor, Senator Prentice: Establishing occupational safety and health impact grants. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

Referred to Committee on Ways and Means.

February 1, 2002

SB 6588 Prime Sponsor, Senator Rasmussen: Requiring exclusive statewide food service rules for retail food facilities. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 6588 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6600 Prime Sponsor, Senator Prentice: Authorizing unclassified position appointments in city or town police departments. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6600 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Deccio, Fairley, Franklin, Gardner, Hochstatter, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6641 Prime Sponsor, Senator McAuliffe: Accommodating children with diabetes in schools. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That the bill be referred to Committee on Education without recommendation. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio and Parlette.

Referred to Committee on Education.

February 1, 2002

SB 6664 Prime Sponsor, Senator Costa: Requiring offenders to propose a release plan. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

January 31, 2002

SB 6675 Prime Sponsor, Senator Prentice: Prohibiting health care facilities from requiring employees to perform overtime work. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass as amended. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

January 31, 2002

SJM 8013 Prime Sponsor, Senator Fraser: Requesting Congress to restore the sales tax deduction for federal income taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Long, Parlette, Poulsen, Rasmussen, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

January 31, 2002

SJM 8030 Prime Sponsor, Senator Jacobsen: Requesting recognition of the Puget Sound Nearshore Ecosystem Restoration Project. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Oke, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

January 31, 2002

SJR 8222 Prime Sponsor, Senator McCaslin: Amending the Constitution to expand the duration excess property taxes can be imposed. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, McCaslin, T. Sheldon and Swecker.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6085, Senate Bill No. 6312, Senate Bill No. 6579, and Senate Joint Resolution No. 8222 were referred to the Committee on Ways and Means.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6244 and Senate Bill No. 6588 were referred to the Committee on Rules.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6440 was held at the desk.

MESSAGES FROM THE GOVERNOR  
GUBERNATORIAL APPOINTMENTS

March 29, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Charles P. Nelson, appointed March 29, 2001, for a term ending July 1, 2006, as a member of the Board of Directors for the State School for the Blind.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Education.

September 20, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following appointment, subject to your confirmation.  
Art Himmler, appointed September 20, 2001, for a term ending June 30, 2005, as a member of the Academic Achievement and Accountability Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Education.

December 14, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to submit the following reappointment, subject to your confirmation.  
Suzanne Leichman, reappointed December 14, 2001, for a term ending December 5, 2005 as a member of the Western Washington Hospital Advisory Board.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Human Services and Corrections.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
Department of Social and Health Services  
Olympia, Washington 98504-5000

January 30, 2002

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

Dear Mr. Cook:

Enclosed is the Department's Report to the Legislature, entitled "Children's Administration Performance Report 2001." It contains reporting information required in RCWs 43.20A.870 and 74.13.031(5).

Please call Tammy Cordova at (360) 902-7926 if you have questions regarding the report.

Sincerely,  
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report entitled "Children's Administration Performance Report 2001" is on file in the Office of the Secretary of the Senate.

MESSAGES FROM THE HOUSE

January 31, 2002

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2359, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

February 1, 2002

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE BILL NO. 1189, and the same is herewith transmitted.  
CYNTHIA ZEHNDER, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6770 by Senators Franklin, Costa, Kohl-Welles and Prentice

AN ACT Relating to a sales tax on junk food; amending RCW 82.08.020; and creating a new section.  
Referred to Committee on Ways and Means.

SB 6771 by Senators Kline, Prentice and Jacobsen

AN ACT Relating to the halal food consumer protection act; adding a new chapter to Title 69 RCW; and prescribing penalties.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6772 by Senators Prentice, Costa, Fairley, Keiser and Haugen

AN ACT Relating to the department of labor and industries' retrospective rating program; and amending RCW 51.18.010.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6773 by Senators Poulsen, Jacobsen, Spanel, Regala, Fraser, Brown and Costa

AN ACT Relating to state-owned aquatic lands; adding new sections to chapter 79.01 RCW; and adding a new section to chapter 36.70A RCW.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6774 by Senators Horn and Rasmussen

AN ACT Relating to relevant market area of motorcycle dealers; amending RCW 46.94.010; and adding new sections to chapter 46.94 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6775 by Senators Honeyford, Hochstatter, Hewitt, Sheahan and Stevens

AN ACT Relating to the state legislative fish and wildlife committee; adding a new chapter to Title 77 RCW; and providing an effective date.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6776 by Senators Honeyford, Rasmussen, Deccio, Sheahan and Parlette

AN ACT Relating to the sale of sparkling beverages; and adding a new section to chapter 66.16 RCW.  
Referred to Committee on Agriculture and International Trade.

SB 6777 by Senators Parlette and Rasmussen

AN ACT Relating to selling apples for fresh consumption; and amending RCW 15.17.210.  
Referred to Committee on Agriculture and International Trade.

SB 6778 by Senator Swecker

AN ACT Relating to postretirement employment for members of the public employees' retirement system; amending RCW 41.40.037 and 41.40.037; providing an effective date; and providing an expiration date.  
Referred to Committee on Ways and Means.

SB 6779 by Senators Haugen, B. Sheldon, Oke, Swecker, Rasmussen, Shin, Gardner, Roach, Hale and Costa

AN ACT Relating to a military facilities task force; and adding a new chapter to Title 38 RCW.  
Referred to Committee on State and Local Government.

SB 6780 by Senators Parlette, Deccio, Carlson, Honeyford and West

AN ACT Relating to offering a limited schedule of covered health services to small employers or small groups; amending RCW 48.21.045, 48.44.023, 48.46.066, and 48.43.035; reenacting and amending RCW 48.43.005; and providing an effective date.  
Referred to Committee on Health and Long-Term Care.

SB 6781 by Senators Eide, Zarelli, Gardner, Benton, Rasmussen and Hewitt

AN ACT Relating to retirement benefits for emergency medical technicians; reenacting and amending RCW 41.26.030; adding a new section to chapter 41.26 RCW; and providing an expiration date.  
Referred to Committee on Ways and Means.

SJM 8038 by Senators Haugen, B. Sheldon, Oke, Swecker, Rasmussen, Shin, Gardner, Roach, Hale and Costa

Asking the federal government for cooperation with the military facilities task force.

Referred to Committee on State and Local Government.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1189 by House Committee on Judiciary (originally sponsored by Representatives Lantz, Dunn, Edmonds, Hunt, Dunshee, Ogden, Kenney and Wood) (by request of Department of Community, Trade, and Economic Development)

Enforcing protection of archaeological sites.

Referred to Committee on State and Local Government.

ESHB 2359 by House Committee on Transportation (originally sponsored by Representatives Fisher, Cooper, Kessler, Berkey, Jackley, McIntire, Conway, Wood, Kagi and Ogden)

Authorizing county financing of regional transportation improvements.

Referred to Committee on Transportation.

#### MOTION

On motion of Senator Betti Sheldon, Senate Joint Memorial No. 8035, which was held on the desk January 25, 2002, was referred to the Committee on Rules.

#### MOTION

At 12:11 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Tuesday, February 5, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

TWENTY-SECOND DAY, FEBRUARY 4, 2002

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

#### TWENTY-THIRD DAY

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MORNING SESSION  
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Senate Chamber, Olympia, Tuesday, February 5, 2002

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Benton, Finkbeiner and Swecker. On motion of Senator Honeyford, Senators Benton, Finkbeiner and Swecker were excused.

The Sergeant at Arms Color Guard, consisting of Pages Andrew Beck and Jori Saeger, presented the Colors. Janet Tanaka, from the Baha'i Assembly of East Thurston County, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

January 31, 2002

SB 5033 Prime Sponsor, Senator Fairley: Revising employee personnel file inspection provisions. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY recommendation: That Second Substitute Senate Bill No. 5033 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

January 31, 2002

2SSB 5134 Prime Sponsor, Senator Kastama: Modifying provisions of the mobile home landlord-tenant act. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5134 be substituted therefor, and the second substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 5626 Prime Sponsor, Senator Rasmussen: Modifying the definition of veteran. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Hale, Haugen, Horn, Keiser, Kline, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6100 Prime Sponsor, Senator Eide: Restricting use of mobile telephones in moving motor vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6100 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Jacobsen, Kastama, Keiser, Oke, Prentice, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Horn, McAuliffe and T. Sheldon.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6350 Prime Sponsor, Senator Haugen: Allowing use of county road funds for state highway improvements. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6350 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6359 Prime Sponsor, Senator Stevens: Penalizing failure to use required traction equipment. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6359 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McDonald, Oke and Prentice.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6405 Prime Sponsor, Senator Parlette: Authorizing comprehensive plan amendments to be considered as often as once every six months. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Hale, Horn, Keiser, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6431 Prime Sponsor, Senator Hale: Providing businesses with notice of administrative rules. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6431 be substituted therefor, and the substitute bill do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6495 Prime Sponsor, Senator Kline: Authorizing public agencies to jointly fund certain municipal projects. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 6495 be substituted therefor, and the substitute bill do pass. Signed by Senators Gardner, Chair; Hale, Keiser, Kline, McCaslin and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6505 Prime Sponsor, Senator Gardner: Revising local improvement district statutes. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Hale, Horn, Keiser, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6530 Prime Sponsor, Senator Rasmussen: Adjusting the definition of salvage vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6534 Prime Sponsor, Senator Haugen: Creating a law enforcement memorial. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6534 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Horn, Johnson, Kastama, Keiser, McAuliffe, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6637 Prime Sponsor, Senator Kline: Requiring financial disclosure by ballot measure sponsors. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser, Kline and Swecker.

Passed to Committee on Rules for second reading.

February 4, 2002

SCR 8427 Prime Sponsor, Senator Carlson: Modifying districts eighteen and forty-nine in the plan for legislative redistricting. Reported by Committee on State and Local Government

MAJORITY Recommendation: That the concurrent resolution be referred to Committee on Rules without recommendation. Signed by Senators Fairley, Vice Chair; Hale, Keiser, McCaslin, Roach, T. Sheldon and Swecker.

HOLD.

#### MOTION

On motion of Senator Betti Sheldon, Senate Concurrent Resolution No. 8427 was held at the desk.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 4, 2002

GA 9161 DUANE SOMMERS, appointed February 20, 2001, for a term ending July 1, 2006, as a member of the Board of Trustees for the State School for the Deaf.  
Reported by Committee on Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules.

February 4, 2002

GA 9177 KATHARINE AKERS SHEEHAN, reappointed June 13, 2001, for a term ending June 12, 2005, as a member of the Columbia River Gorge Bi-State Commission.  
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, Snyder and Spanel.

Passed to Committee on Rules.

February 4, 2002

GA 9192 RUSS CAHILL, reappointed September 13, 2001, for a term ending December 31, 2006, as a member of the Fish and Wildlife Commission.  
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Oke, Snyder, Spanel and Stevens.

Passed to Committee on Rules.

February 4, 2002

GA 9213 RONALD D. OZMENT, appointed September 13, 2001, for a term ending December 31, 2006, as a member of the Fish and Wildlife Commission.  
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Oke, Snyder, Spanel and Stevens.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

February 4, 2002

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE BILL NO. 2723, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6782 by Senators Kline, Hochstatter, Keiser and Oke

AN ACT Relating to robbery; amending RCW 9A.56.210, 9.41.010, 9A.32.030, 10.95.020, 13.40.0357, and 13.40.110; reenacting and amending RCW 9.94A.030, 9.94A.411, 9.94A.515, and 9A.82.010; adding a new section to chapter 9A.56 RCW; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 6783 by Senators Kline and Franklin

AN ACT Relating to mitigating circumstances allowing departures from sentencing guidelines; and amending RCW 9.94A.535. Referred to Committee on Judiciary.

SB 6784 by Senators Kastama and Rasmussen

AN ACT Relating to performance audits; adding new sections to chapter 43.09 RCW; and making an appropriation.  
Referred to Committee on State and Local Government.

SB 6785 by Senators Snyder, Brown, Poulsen, Rasmussen, Roach, West and Johnson

AN ACT Relating to eliminating Washington estate taxes on estates with no federal tax liability; adding a new section to chapter 83.100 RCW; creating a new section; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6786 by Senator Thibaudeau

AN ACT Relating to state route number 513; and amending RCW 47.17.695.  
Referred to Committee on Transportation.

SB 6787 by Senators B. Sheldon, Rasmussen and Oke (by request of Department of Revenue)

AN ACT Relating to tax exemptions for organ procurement organizations; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6788 by Senators Costa and Hargrove

AN ACT Relating to benefits for dependent parents of homicide victims; and amending RCW 7.68.070.  
Referred to Committee on Human Services and Corrections.

SB 6789 by Senator Regala

AN ACT Relating to providing law enforcement officers with training in interaction with developmentally disabled and mentally ill persons; and adding a new section to chapter 43.101 RCW.  
Referred to Committee on Judiciary.

SB 6790 by Senators Spanel and Gardner

AN ACT Relating to authorizing the increase of personal use shellfish license fees to fund biotoxin testing and monitoring by the department of health of beaches used for recreational shellfishing; amending RCW 77.32.520; adding a new section to chapter 69.30 RCW; and creating new sections.

Referred to Committee on Ways and Means.

SB 6791 by Senators T. Sheldon and Oke

AN ACT Relating to changing a ground water right; and amending RCW 90.44.100.  
Referred to Committee on Environment, Energy and Water.

SB 6792 by Senators T. Sheldon and Oke

AN ACT Relating to mitigation of hydraulic continuity impact of ground water on surface water in processing ground water right applications; and amending RCW 90.44.070.  
Referred to Committee on Environment, Energy and Water.

SB 6793 by Senators T. Sheldon and Oke

AN ACT Relating to water right place of use and purpose of use for expanding public water systems; and amending RCW 90.03.386.  
Referred to Committee on Environment, Energy and Water.

SB 6794 by Senators B. Sheldon, Oke and T. Sheldon

AN ACT Relating to eliminating certain restrictions on water system interties; and amending RCW 90.03.383.  
Referred to Committee on Environment, Energy and Water.

SB 6795 by Senators Parlette, Hochstatter, Deccio, Rasmussen, Brown, Honeyford and Kline

AN ACT Relating to studying and reporting on the feasibility of state-supported east-west rail passenger service; and creating new sections.  
Referred to Committee on Transportation.

SB 6796 by Senators Swecker, Hochstatter, Roach, Sheahan and Stevens

AN ACT Relating to making unborn children eligible for the children's health insurance program; and amending RCW 74.09.450.  
Referred to Committee on Health and Long-Term Care.

#### INTRODUCTION AND FIRST READING OF HOUSE BILL

EHB 2723 by Representatives Ogden, Rockefeller, Lantz, Jackley, Eickmeyer, Haigh and Chase

Revising Public-Private Transportation Initiatives.

Referred to Committee on Transportation.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6788 was referred to the Committee on Human Services and Corrections.

#### MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

#### SENATE RESOLUTION 8737

By Senators Rasmussen, Honeyford, Parlette, Hochstatter, Sheahan and Roach

WHEREAS, the beef cattle industry has been with us since the earliest territorial days when settlers had to raise their own food to survive; and

WHEREAS, many of those in the beef industry today are carrying on a more than a century old tradition begun by their pioneer relatives in all thirty-nine counties of the state; and

WHEREAS, Those who raise beef cattle have a rich heritage of stewardship of the land and of animals in their care, because cattle ranching is unique among agricultural pursuits in that it maintains and perpetuates natural ecological processes; and

WHEREAS, One of the results of proper rangeland management is improved habitat for elk, deer, salmon, birds, rodents, and other wildlife; and

WHEREAS, research funded and implemented by the beef industry in Washington has led to production of genetically superior cattle that are in demand in export as well as domestic markets; and

WHEREAS, beef cattle and calves were the third largest agricultural commodity in Washington State with a value of more than \$560 million in the year 2000; and

WHEREAS, the production value of beef in 2000 represented a twenty-three percent increase from 1999, for the 10,000 beef operations in Washington containing 1.2 million cattle; and

WHEREAS, the beef cattle industry is the largest agricultural commodity in the United States, with cattle raised commercially in all fifty states by approximately one million producers; and

WHEREAS, the value of the approximately ninety-eight million cattle nationwide was \$70 billion last year, up \$3 billion from the previous year;

NOW, THEREFORE, BE IT RESOLVED, That the hard work and dedication of the men and women in the beef cattle industry is hereby recognized by the Washington State Senate; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Beef Commission and the Washington Cattlemen's Association.

Senators Rasmussen, Hochstatter and Honeyford spoke to Senate Resolution 8737.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the men and women in the Beef Cattle industry, who were seated in the gallery.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the seventh order of business.

#### THIRD READING

ENGROSSED SENATE BILL NO. 5872, by Senators Prentice, Kohl-Welles, Kline and Fairley

Modifying the multiple-unit property tax exemption.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Bill No. 5872 was returned to second reading and read the second time.

#### MOTION

On motion of Senator Prentice, the following amendments were considered simultaneously and were adopted:

On page 1, line 15, after "units" strike "are condominiums or townhouses" and insert "are or will be segregated into separate tax parcels for sale as condominiums or another form of individual ownership"

On page 2, line 29, after "units" strike "are condominiums or townhouses" and insert "that are or will be segregated into separate tax parcels for sale as condominiums or another form of individual ownership"

#### MOTION

On motion of Senator Prentice, the rules were suspended, Second Engrossed Senate Bill No. 5872 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Engrossed Senate Bill No. 5872.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Senate Bill No. 5872 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Benton, Finkbeiner and Swecker - 3.

SECOND ENGROSSED SENATE BILL NO. 5872, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 5878, by Senators Oke and Haugen

Revising procedures for setting garbage truck load limits.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5878.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5878 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senator Stevens - 1.

Excused: Senators Benton, Finkbeiner and Swecker - 3.

SENATE BILL NO. 5878, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SENATE BILL NO. 5886, by Senators Long and Hargrove

Authorizing agreements to change the number of experts or professional persons who must make competency evaluations for the state under chapter 10.77 RCW.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5886.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5886 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Benton, Finkbeiner and Swecker - 3.

SENATE BILL NO. 5886, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

ENGROSSED SENATE BILL NO. 5888, by Senators Gardner, Spanel and Honeyford

Revising the qualifications of a legal newspaper.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 5888.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5888 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 45.

Voting nay: Senator Honeyford - 1.

Excused: Senators Benton, Finkbeiner and Swecker - 3.

ENGROSSED SENATE BILL NO. 5888, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## THIRD READING

SUBSTITUTE SENATE BILL NO. 5997, by Senate Committee on Transportation (originally sponsored by Senators Hochstatter, Rasmussen, Haugen, Honeyford, Gardner, Winsley, Prentice, Benton, Long, Franklin, Fairley, Patterson, Shin, T. Sheldon, Rossi, Snyder, Morton, Spanel, Stevens, McDonald, McCaslin, West, Parlette, Oke, Hewitt, Horn, Swecker, Kastama, Zarelli, Roach and Sheahan)

Creating a special fair license plate.

## MOTION

On motion of Senator Haugen, the rules were suspended, Substitute Senate Bill No. 5997 was returned to second reading and read the second time.

## MOTION

On motion of Senator Haugen, the following striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 46.16 RCW to read as follows:

In cooperation with the Washington state patrol and the department, the fairs commission established under RCW 15.76.170 shall create and design, and the department shall issue, a special fair license plate displaying a symbol representing the categories of fairs defined in RCW 15.76.120. The special fair license plate may be used in lieu of regular or personalized license plates for motor vehicles required to display two motor vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

**Sec. 2.** RCW 46.16.313 and 1997 c 291 s 8 are each amended to read as follows:

(1) The department may establish a fee for each type of special license plates issued under RCW 46.16.301(1) (a), (b), or (c), as existing before amendment by section 5, chapter 291, Laws of 1997, in an amount calculated to offset the cost of production of the special license plates and the administration of this program. Until December 31, 1997, the fee shall not exceed thirty-five dollars, but effective with vehicle registrations due or to become due on January 1, 1998, the department may adjust the fee to no more than forty dollars. This fee is in addition to all other fees required to register and license the vehicle for which the plates have been requested. All such additional special license plate fees collected by the department shall be deposited in the state treasury and credited to the motor vehicle fund.

(2) Until December 31, 1997, in addition to all fees and taxes required to be paid upon application, registration, and renewal registration of a motor vehicle, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(3) Effective with vehicle registrations due or to become due on January 1, 1998, in addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a collegiate license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(4) Effective with annual renewals due or to become due on January 1, 1999, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a collegiate license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer with a proper identifying detailed report. The state treasurer shall credit the funds to the appropriate collegiate license plate fund as provided in RCW 28B.10.890.

(5) In addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special baseball stadium license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds, minus the cost of plate production, shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(6) Effective with annual renewals due or to become due on January 1, 1999, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special baseball stadium license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

(7) Effective with vehicle registrations due or to become due on January 1, 2003, in addition to all fees and taxes required to be paid upon application and registration of a motor vehicle, the holder of a special fair license plate shall pay an initial fee of forty dollars. The department shall deduct an amount not to exceed twelve dollars of each fee collected under this subsection for administration and collection of expenses incurred by it. The remaining proceeds shall be deposited in the state treasury and credited to the fair fund created under RCW 15.76.115.

(8) Effective with annual renewals due or to become due on January 1, 2004, in addition to all fees and taxes required to be paid upon renewal of a motor vehicle registration, the holder of a special fair license plate shall pay a fee of thirty dollars. The department shall deduct an amount not to exceed two dollars of each fee collected under this subsection for administration and collection expenses incurred by it. The remaining proceeds shall be deposited in the state treasury and credited to the fair fund created under RCW 15.76.115."

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On line 1 of the title, after "fairs;" strike the remainder of the title and insert "amending RCW 46.16.313; and adding a new section to chapter 46.16 RCW."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 5997 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 5997.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5997 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Benton, Finkbeiner and Swecker - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5997, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### THIRD READING

SENATE JOINT MEMORIAL NO. 8001, by Senators Franklin, Thibaudeau, Winsley, Costa and Kohl-Welles

Exploring the option of managing prescription drug prices through cooperative strategies with other Northwest states.

The joint memorial was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Joint Memorial No. 8001.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 8001 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Benton, Finkbeiner and Swecker - 3.

SENATE JOINT MEMORIAL NO. 8001, having received the constitutional majority, was declared passed.

#### THIRD READING

SENATE JOINT MEMORIAL NO. 8014, by Senators Prentice, Winsley, Costa, Deccio, Thibaudeau, B. Sheldon, Fairley, Franklin, Shin, Rasmussen, Regala, Kastama, Patterson, Hochstatter, Gardner, Haugen, Honeyford, Constantine, Jacobsen, McAuliffe, Oke and Kohl-Welles

Requesting improvement to employment and training services for disabled persons.

#### MOTION

On motion of Senator Prentice, the rules were suspended, Senate Joint Memorial No. 8014 was returned to second reading and read the second time.

## MOTION

On motion of Senator Prentice, the following amendments were considered simultaneously and were adopted:

On page 1, line 1, after "SECURITY," insert "THE DIRECTOR OF THE DEPARTMENT OF SERVICES FOR THE BLIND, THE EXECUTIVE DIRECTOR OF THE DEVELOPMENTAL DISABILITIES COUNCIL,"

On page 2, line 19, after "disabilities." insert "This may be accomplished by your offices providing the necessary information to the Executive Director of the Developmental Disabilities Council and the Executive Secretary of the Governor's Committee on Disability Issues and Employment, and by their compiling a report from the information and forwarding it to the legislature and the governor."

On page 2, line 21, after "Security," insert "the Director of the Department of Services for the Blind, the Executive Director of the Developmental Disabilities Council,"

## MOTION

On motion of Senator Prentice, the rules were suspended, Engrossed Senate Joint Memorial No. 8014 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Joint Memorial No. 8014.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 8014 and the joint memorial passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Benton, Finkbeiner and Swecker - 3.

ENGROSSED SENATE JOINT MEMORIAL NO. 8014, having received the constitutional majority, was declared passed.

## MOTION

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

## SECOND READING

SENATE BILL NO. 6408, by Senators Costa, Hargrove, Long, Kline, Zarelli, Johnson, Rasmussen and Oke

Restoring sex offender registration for nonfelony communication with a minor convictions.

The bill was read the second time.

## MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 6408 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6408.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6408 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Benton, Finkbeiner and Swecker - 3.

SENATE BILL NO. 6408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 11:02 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, February 6, 2002.

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY-THIRD DAY, FEBRUARY 5, 2002

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

**TWENTY-FOURTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Wednesday, February 6, 2002

The Senate was called to order at 10:00 a.m. by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benton, Finkbeiner and Betti Sheldon. On motion of Senator Hewitt, Senators Benton and Finkbeiner were excused. On motion of Senator Eide, Senator Betti Sheldon was excused.

The Sergeant at Arms Color Guard, consisting of Pages Melinda Andrews and Benjamin Kempf, presented the Colors. Janet Tanaka from the Baha'i Assembly of East Thurston County, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

SB 5999 Prime Sponsor, Senator B. Sheldon: Modifying the telephone assistance program. Reported by Committee on Economic Development and Telecommunications February 5, 2002

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Finkbeiner, Rossi and Stevens.

Passed to Committee on Rules for second reading.

SB 6034 Prime Sponsor, Senator Fraser: Revising state wireless enhanced 911 excise taxes. Reported by Committee on Ways and Means February 4, 2002

MAJORITY Recommendation: That Second Substitute Senate Bill No. 6034 be substituted therefor, and the second substitute bill do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fraser, Hewitt, Kohl-Welles, Long, Parlette, Rasmussen, Sheahan, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

SB 6237 Prime Sponsor, Senator Prentice: Requiring that employee benefits for contract transportation employees be not less than those provided to public transportation employees. Reported by Committee on Labor, Commerce and Financial Institutions February 4, 2002

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter, Honeyford and West.

Passed to Committee on Rules for second reading.

SB 6267 Prime Sponsor, Senator Johnson: Revising the principal and income act. Reported by Committee on Judiciary February 5, 2002

MAJORITY Recommendation: That Substitute Senate Bill No. 6267 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Johnson, Long, McCaslin, Poulsen, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6270 Prime Sponsor, Senator Jacobsen: Providing for a two-year term of office for student members of governing boards of institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6270 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Jacobsen, McAuliffe and B. Sheldon.

MINORITY Recommendation: Do not pass substitute. Signed by Senators Horn and Parlette.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6282 Prime Sponsor, Senator Horn: Allowing private motorcycle skills courses. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6282 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Horn, Jacobsen, Johnson, Keiser, McAuliffe, McDonald, Oke, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6291 Prime Sponsor, Senator Kline: Revising residency requirements of part-time judges. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kastama, Vice Chair; Costa, Johnson, Long, McCaslin, Poulsen and Thibaudeau.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6342 Prime Sponsor, Senator Poulsen: Adopting the simplified sales and use tax administration act. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6342 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Roach, Rossi, Sheahan, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6372 Prime Sponsor, Senator Fraser: Creating the combined fund drive account. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Long, Poulsen, Rasmussen, Roach, Rossi, Sheahan, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6373 Prime Sponsor, Senator Keiser: Prohibiting noncompetition agreements in the broadcasting industry. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

February 2, 2002

SB 6374 Prime Sponsor, Senator Jacobsen: Correcting errors and oversights in certain retirement system statutes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Roach, Rossi, Sheahan, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 2, 2002

SB 6375 Prime Sponsor, Senator Fraser: Conforming the Washington state retirement systems to federal requirements on veterans. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Roach, Rossi, Sheahan, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 2, 2002

SB 6376 Prime Sponsor, Senator Regala: Allowing the transfer of seasonal and military leave of absence employees to the public employees' retirement system plan 3. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Roach, Rossi, Sheahan, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6377 Prime Sponsor, Senator Regala: Allowing members of the teachers' retirement system plan 1 to use extended school years for calculation of their earnable compensation. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Rossi, B. Sheldon, Spanel and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6378 Prime Sponsor, Senator Spanel: Authorizing part-time leaves of absence for law enforcement members of the law enforcement officers' and fire fighters' retirement system plan 2. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Poulsen, Rasmussen, Rossi, B. Sheldon, Spanel and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6379 Prime Sponsor, Senator Carlson: Transferring service credit and contributions into the Washington state patrol retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Rossi, B. Sheldon, Spanel and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6380 Prime Sponsor, Senator Winsley: Creating new survivor benefit division options for divorced members of the law enforcement officers' and fire fighters' retirement system, the teachers' retirement system, the school employees' retirement system, the public employees' retirement system, and the Washington state patrol retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Poulsen, Rasmussen, Rossi, B. Sheldon, Spanel, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6381 Prime Sponsor, Senator Fraser: Separating from public employees' retirement system plan 1. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice-Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Rossi, B. Sheldon, Spanel, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6383 Prime Sponsor, Senator Spanel: Allowing a member who is at least age seventy and one-half or a member holding state elective office or directly appointed by the governor who wishes to be eligible for a retirement allowance the option of ending his or her membership in the teachers' retirement system, the school employees' retirement system, and the public employees' retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Poulsen, Rasmussen, Rossi, B. Sheldon, Spanel, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6395 Prime Sponsor, Senator Rasmussen: Allowing certain employees to handle beer or wine. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6409 Prime Sponsor, Senator Prentice: Requiring an opportunity for a cure before an action on a construction defect may be filed. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6409 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala and West.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6411 Prime Sponsor, Senator Kohl-Welles: Expanding the running start program to allow participation by The Evergreen State College. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6412 Prime Sponsor, Senator Kohl-Welles: Regulating disclosure of information by international matchmaking organizations. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6412 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter, Honeyford and West.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6422 Prime Sponsor, Senator Costa: Defining "property of another" for purposes of crimes against property. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 6422 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Johnson, Long, McCaslin, Poulsen, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6429 Prime Sponsor, Senator B. Sheldon: Regulating the admissibility of benevolent gestures in civil actions. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Johnson, Long, McCaslin, Poulsen, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6449 Prime Sponsor, Senator Kastama: Allowing entrance and exit fees under limited circumstances. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6449 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6450 Prime Sponsor, Senator Jacobsen: Encouraging aggregated purchasing of clean energy and clean vehicles. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 6450 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Keiser, McDonald and Morton.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6451 Prime Sponsor, Senator Kline: Providing criminal penalties for training in furtherance of civil disorders. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, McCaslin and Poulsen.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6480 Prime Sponsor, Senator Eide: Encouraging recycling and waste reduction. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Keiser, McDonald and Morton.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6484 Prime Sponsor, Senator Haugen: Authorizing additional trust authority to take advantage of federal estate tax benefits for conservation easements. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Johnson, Long, Poulsen and Roach.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6553 Prime Sponsor, Senator Poulsen: Enhancing regulatory capabilities to prevent invasive aquatic species. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 6553 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Oke, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6568 Prime Sponsor, Senator Finkbeiner: Requiring the sender of commercial electronic mail to identify itself as a commercial message. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Fairley, Finkbeiner, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6601 Prime Sponsor, Senator Prentice: Allowing a licensed distiller, domestic brewery, microbrewery, or domestic winery to sell liquor at a spirits, beer, and wine restaurant located on contiguous property that is leased by that licensed distiller, domestic brewery, microbrewery, or domestic winery. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6623 Prime Sponsor, Senator Gardner: Creating a task force to study consumer mortgage lending issues. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6624 Prime Sponsor, Senator Keiser: Modifying well construction provisions. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Hale, Honeyford, Keiser and Morton.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6626 Prime Sponsor, Senator Kohl-Welles: Requiring the Washington state institute for public policy to review and evaluate whether branch campuses are fulfilling their intended role. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6626 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette and B. Sheldon.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6630 Prime Sponsor, Senator Prentice: Providing for certification as a master electrician. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Fairley, Gardner, Hochstatter, Honeyford, Rasmussen, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Keiser, Vice Chair.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6651 Prime Sponsor, Senator T. Sheldon: Extending a tax credit for persons engaged in a rural county in the business of providing information technology help desk services to third parties. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Finkbeiner, McCaslin, Rossi and Stevens.

Referred to Committee on Ways and Means.

February 4, 2002

SB 6652 Prime Sponsor, Senator Prentice: Regulating cosmetology, barbering, manicuring, and esthetics. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and West.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6656 Prime Sponsor, Senator Fairley: Modifying unemployment compensation payable to individuals who took family and medical leave. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

February 4, 2002

SB 6669 Prime Sponsor, Senator Thibadeau: Regarding the consumer protection act. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen and Regala.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6769 Prime Sponsor, Senator Honeyford: Concerning shepherd housing. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

#### MOTION

On motion of Senator Costa, Senate Bill No. 6440, which was held at the desk February 4, 2002, was referred to the Committee on Ways and Means.

MESSAGE FROM STATE OFFICE  
STATE OF WASHINGTON  
Department of Social and Health Services  
Olympia, Washington 98504-5000

February 4, 2002

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

Dear Mr. Cook:

Enclosed is the Department's Report to the Legislature entitled "Wage Increases for Nursing Homes Low-wage Direct Care Workers." It is mandated under Chapter 7, Laws of 2001, E2, Section 206(13).

Please call Tom Karns at (360) 725-2499 if you have any questions about the report.

Sincerely,  
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services Report on "Wage Increases for Nursing Homes Low-wage Direct Care Workers" is on file in the Office of the Secretary of the Senate.

#### INTRODUCTION AND FIRST READING

SB 6797 by Senator Costa

AN ACT Relating to dental hygienists; amending RCW 18.29.005, 18.29.050, 18.29.021, 18.29.045, 18.29.071, 18.29.120, 18.29.140, 18.29.150, 18.29.160, 18.29.190, and 18.29.210; adding new sections to chapter 18.29 RCW; creating a new section; and repealing RCW 18.29.110, 18.29.130, 18.29.170, 18.29.190, and 18.29.200.

Referred to Committee on Health and Long-Term Care.

SB 6798 by Senators Horn and Gardner

AN ACT Relating to street vacations; and amending RCW 35.79.030.

Referred to Committee on Transportation.

SB 6799 by Senators Sheahan and Winsley

AN ACT Relating to funding the emergency food assistance program; and making an appropriation.

Referred to Committee on Ways and Means.

SB 6800 by Senators Honeyford, Spanel, Winsley and Fraser

AN ACT Relating to fund-raising efforts for the state legislative building renovation project; amending RCW 42.52.800; adding a new section to chapter 27.48 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State and Local Government.

SB 6801 by Senators Kastama and Kline

AN ACT Relating to the Washington state commission for responsible fatherhood; and adding a new chapter to Title 43 RCW.

Referred to Committee on Human Services and Corrections.

SB 6802 by Senators Morton, Brown, McCaslin, Sheahan, Fraser, Oke, Hale and Rasmussen

AN ACT Relating to state representation in the protection of the state's water interests; and amending RCW 90.54.080 and 90.54.140.

Referred to Committee on Environment, Energy and Water.

SB 6803 by Senators Prentice and Winsley

AN ACT Relating to the prohibition of unfair practices by motor vehicle manufacturers and dealers; amending RCW 46.96.105 and 46.96.185; adding new sections to chapter 46.96 RCW; and creating a new section.

Referred to Committee on Labor, Commerce and Financial Institutions.

SCR 8429 by Senators Snyder, West and Winsley

Modifying districts eighteen, twenty-seven, twenty-eight, and forty-nine in the plan for legislative redistricting.

SCR 8430 by Senators Snyder and West

Modifying districts seven and twelve in the plan for legislative redistricting.

#### MOTION

On motion of Senator Costa, the rules were suspended, Senate Concurrent Resolution No. 8429 and Senate Concurrent Resolution No. 8430 were advanced to second reading and placed on the second reading calendar.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8429, by Senators Snyder and West

Modifying districts eighteen, twenty-seven, twenty-eight, and forty-nine in the plan for legislative redistricting.

The concurrent resolution was read the second time.

#### MOTION

On motion of Senator Costa, the rules were suspended, Senate Concurrent Resolution No. 8429 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8429.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 8429 and the concurrent resolution passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Benton, Finkbeiner and Sheldon, B. - 3.

SENATE CONCURRENT RESOLUTION NO. 8429, having received the constitutional majority, was declared passed.

#### SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8430, by Senators Snyder and West

Modifying districts seven and twelve in the plan for legislative redistricting.

The concurrent resolution was read the second time.

#### MOTION

On motion of Senator Costa, the rules were suspended, Senate Concurrent Resolution No. 8430 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Concurrent Resolution No. 8430.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 8430 and the concurrent resolution passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yeas: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Benton and Sheldon, B. - 2.

SENATE CONCURRENT RESOLUTION NO. 8430, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Kohl-Welles, the following resolution was adopted:

#### SENATE RESOLUTION 8742

By Senators Kohl-Welles, McAuliffe, Jacobsen, Horn, Roach, Spanel, Johnson, Winsley, Rasmussen, Fraser and Kastama

WHEREAS, Participation in athletics is one of the most effective ways for students in the United States to develop leadership skills, self-discipline, initiative, and confidence; and

WHEREAS, Sport and fitness activity contributes to emotional and physical well-being, and both males and females can benefit from both strong minds and strong bodies; and

WHEREAS, The communication, competition, and cooperation skills learned through athletic experience play a key role in the contributions of athletes to the home, workplace, and society; and

WHEREAS, Early motor skill training and enjoyable experiences of physical activity strongly influence lifelong habits of physical fitness; and

WHEREAS, Individuals who participate in sports have higher levels of self-esteem, less depression, and a reduced risk for disease and other illness; and

WHEREAS, Girls and women historically have had fewer opportunities to participate in school and professional athletics, but have made major gains in participation in recent decades; and

WHEREAS, Title IX, the federal law prohibiting sex discrimination in schools and colleges receiving federal funds, celebrates its thirtieth anniversary this year; and

WHEREAS, The state of Washington honors the struggle, perseverance, and strength of women who have paved the way for Washington's female athletes; and

WHEREAS, 52,005 female middle school athletes participate on 3,202 teams, and 65,833 female high school athletes participate on 5,887 teams; and

WHEREAS, Institutions of higher education continue to produce elite athletes with 2,350 female athletes participating with pride, commitment, and ability. The participation of female collegiate athletes is among the highest in the country and is approaching that of male collegiate athletes. Currently, there are 180 female athletes participating at Central Washington University, 177 female athletes participating at Eastern Washington University, 59 female athletes participating at The Evergreen State College, 178 female athletes participating at Gonzaga University, 49 female athletes participating at Northwest College, 190 female athletes participating at Pacific Lutheran University, 123 female athletes participating at Seattle Pacific University, 101 female athletes participating at Seattle University, 48 female athletes participating at St. Martin's College, 243 female athletes participating at the University of Puget Sound, 298 female athletes participating at the University of Washington, 230 female athletes participating at Washington State University, 184 female athletes participating at Western Washington University, 42 female athletes participating at Whitman College, and 48 female athletes participating at Whitworth College; and

WHEREAS, Washington is honored to host the Seattle Storm, a professional womens' basketball sports team, and Head Coach Lin Dunn and the thirteen professional womens' athletes on the team, who have proven that womens' sports do not end at the collegiate level.

WHEREAS, The state of Washington is honored to have Barbara Hedges, athletic director at the University of Washington, paving the way for women in athletics administration. Women across the country are underrepresented in

leadership positions in representation of coaches, officials, and sports administrators, and there is a demonstrated need for women to serve in these positions to ensure a fair representation of the abilities of women and to provide role models for young female athletes; and

WHEREAS, The number of funded research projects focusing on the specific needs of female athletes is limited and the information provided by the projects is imperative to the health and performance of future female athletes;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate celebrate Washington Girls and Women in Sports Day on February 6, 2002, and encourage others to observe the day with appropriate ceremonies and activities.

Senators Kohl-Welles, Jacobsen and Thibaudeau spoke to Senate Resolution 8742.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced girls and women from middle schools, high schools, colleges, universities and professional groups from across the state, who were seated in the gallery.

The President Pro Tempore also welcomed and introduced Lin Dunn, the Seattle Storm head coach, who was seated on the rostrum.

With permission of the Senate, business was suspended to allow Coach Dunn to address the Senate.

#### MOTION

On motion of Senator Jacobsen, the following resolution was adopted:

#### SENATE RESOLUTION 8731

##### ***By Senators Jacobsen, Oke, Fraser, Roach and Rasmussen***

**WHEREAS, Birders** seek to protect wildlife habitat and promote the enjoyment of all species of birds; and

WHEREAS, Biodiversity and conservation of the natural world are of the upmost importance to birders; and

WHEREAS, Conservation efforts encompass protection and restoration of local watersheds, as well as promote the study of natural science, migratory bird patterns and amphibious wildlife in our ecosystem; and

WHEREAS, Fremont resident, Marv Breece, has been an avid birder for the past twenty-five years; and

WHEREAS, Marv Breece estimated that in 2001, he drove 25,000 miles to get to marshes, saltwater beaches, mountain peaks, dark forests and sagebrush deserts to observe birds, an example of his relentless devotion to the sport; and

WHEREAS, Big Year is the name of a competition in which a birder tries to identify as many species of birds as possible in one calendar year in a given geographical area; and

WHEREAS, On December 31, 2001, Breece set a birding record for the Big Year competition in Washington, spotting three hundred and fifty-nine species of birds; and

WHEREAS, The previous record was thought to be in the low three forty's; and

WHEREAS, In the Julia Butler Hansen National Wildlife Refuge in Wahkiakum County, he spotted the last bird on his list, a Black Phoebe, a rare visitor of our state;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate do hereby recognize Marv Breece's commitment toward the conservation and preservation of birds and their surrounding ecosystem; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Marv Breece.

Senators Jacobsen and Oke spoke to Senate Resolution 8731.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Marv Breece and members of the Seattle Audubon Society, who were seated in the gallery.

#### MOTION

On motion of Senator Haugen, the following resolution was adopted:

#### SENATE RESOLUTION 8733

By Senators Haugen, Rasmussen and Fraser

WHEREAS, The Washington Community Reinvestment Association (WCRA) specializes in affordable housing for families and seniors by financing homes that offer easy access to public transportation, medical facilities and shopping; and

WHEREAS, The WCRA's mission encompasses the creation and preservation of affordable housing in Washington by expanding resources, providing a voice for member financial institutions, and operating within a strategic and financially prudent structure; and

WHEREAS, The WCRA provides financial support to Impact Capital and other nonprofit organizations in supporting housing and community development activities in Washington; and

WHEREAS, Since 1992, WCRA has grown to include thirty-seven member banks and has given more than \$130 million to support the creation and rehabilitation of nearly 5,500 units of housing in urban and rural communities around Washington; and

WHEREAS, In 2002, the WCRA completes its first decade by representing 5,904 units of housing and 28,488 rentable square feet in economic development project commitments;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize the Washington Community Reinvestment Association's success in partnerships and its commitment to our communities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the president of the WCRA.

Senators Haugen and Prentice spoke to Senate Resolution 8733.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced associates of the Washington Community Reinvestment Association, who were seated in the gallery.

#### MOTION

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

#### SENATE RESOLUTION 8743

By Senators West, Snyder, Zarelli, Hochstatter, Johnson, Deccio, Hewitt, Finkbeiner, Long, Hale, Honeyford, Rossi, Morton, Horn, Roach, McCaslin, Winsley, McDonald, Swecker, Parlette, Stevens, Sheahan and Rasmussen

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California and President of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the Fortieth President of the United States of America; the second of which he earned the confidence of three-fifths of the electorate and was victorious in 49 of the 50 states in the general election—a record unsurpassed in the history of American presidential elections; and

WHEREAS, during his career as a public servant, Ronald Reagan was unafraid to do battle on the great issues of his time and, in the words of Theodore Roosevelt, enter the arena, strive valiantly, and spend himself for a worthy cause; and

WHEREAS, during Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's armed forces to win the Gulf War; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, on February 6, 2002, Ronald Reagan will have reached the age of ninety-one years;

NOW, THEREFORE BE IT RESOLVED, that the Washington State Senate hereby recognizes and honors our Fortieth President, Ronald Wilson Reagan, in this month of his ninety-first birthday; and

BE IT FURTHER RESOLVED, that copies of this resolution be immediately transmitted by the Secretary of the Senate to Grover G. Norquist, President of the Ronald Reagan Legacy Project.

#### MOTION

On motion of Senator Horn, the following resolution was adopted:

#### SENATE RESOLUTION 8723

**By Senators Horn and Fraser**

**WHEREAS, It is the policy of the Washington State Legislature to recognize and honor the contributions of individuals and organizations that reflect standards of excellence that enhance the well-being and quality of life of the citizens of the state of Washington; and**

**WHEREAS, Toastmasters International is a leading movement in making effective oral communication a national and international reality for all persons; and**

**WHEREAS, Toastmasters International, through its member Toastmaster Clubs, helps men and women of all ages learn the art of speaking, listening, and thinking, vital skills that promote self-actualization, enhance leadership potential, foster human understanding, and contribute to the betterment of all mankind; and**

**WHEREAS, Toastmasters International, through its member Toastmaster Clubs, provides a mutually supportive and positive learning environment in which every member has the opportunity to develop the communication and leadership skills which foster self-confidence and personal growth; and**

**WHEREAS, Toastmasters International member Toastmaster Clubs usually meet each week for one to two hours and usually contain three main elements: Prepared speeches, impromptu speeches, and evaluations of speeches which provide feedback on the positive aspects of the speeches and friendly suggestions for improvement; and**

**WHEREAS, Toastmasters International, through its member Toastmaster Clubs, benefits individuals, companies, communities, and countries by providing potential leaders in all walks of life the skills, discipline, and confidence needed to succeed; and**

**WHEREAS, Toastmasters International currently has over 8,500 member Toastmaster Clubs worldwide made up of approximately 178,000 members with over 3,500 members in the state of Washington, and is growing by approximately two-hundred and fifty new members worldwide each day;**

**NOW, THEREFORE, BE IT RESOLVED, That the Senate honor the Toastmasters International, and its member Toastmaster Clubs, for the contributions they have provided the citizens of this state; and**

**BE IT FURTHER RESOLVED, That all persons be encouraged to participate in the beneficial programs Toastmasters International provides through its member Toastmaster Clubs during Toastmaster Week, February 3 through February 9, 2002; and**

**BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Karen Evons, DTM, Past District Governor, Toastmasters International, Washington State Toastmasters Club, District 2.**

Senators Horn, Stevens and Hale spoke to Senate Resolution 8723.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the local Toastmaster's Clubs, who were seated in the gallery.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6466, by Senators Gardner and Swecker

Modifying county treasurer administration provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the rules were suspended, Senate Bill No. 6466 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6466.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6466 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Benton and Sheldon, B. - 2.

SENATE BILL NO. 6466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hewitt, Senator Honeyford was excused.

#### SECOND READING

SENATE BILL NO. 6236, by Senators West, Snyder and Gardner

Revising restrictions on mailings by legislators.

The bill was read the second time.

#### MOTION

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

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6236.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6236 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senators Hargrove and Morton - 2.

Excused: Senators Benton, Honeyford and Sheldon, B. - 3.

SENATE BILL NO. 6236, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6557, by Senators Kohl-Welles, Horn, Carlson, Shin, Jacobsen, Sheahan, McAuliffe, Parlette and B. Sheldon

Providing for the higher education coordinating board to select its chair and vice-chair.

The bill was read the second time.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Senate Bill No. 6557 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6557.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6557 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senator Keiser - 1.

Excused: Senators Benton and Sheldon, B. - 2.

SENATE BILL NO. 6557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6242, by Senators Johnson and Kline

Modifying the definition of nonprobate asset.

The bill was read the second time.

#### MOTION

On motion of Senator Johnson, the rules were suspended, Senate Bill No. 6242 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6242.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6242 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senators Benton, Sheldon, B. - 2.

SENATE BILL NO. 6242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator Johnson was excused.

#### MOTION

On motion of Senator Costa, the Senate advanced to the seventh order of business.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5841, by Senate Committee on State and Local Government (originally sponsored by Senators Patterson, McCaslin, Gardner, Sheahan, T. Sheldon, Deccio, Haugen, Winsley and Hochstatter)

Establishing a schedule for review of comprehensive plans and development regulations adopted under the growth management act.

The bill was read the third time and placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5841.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5841 and the bill passed the Senate by the following vote: Yeas, 33; Nays, 13; Absent, 0; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Haugen, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Shin, Snyder, Spanel, Thibaudeau and Winsley - 33.

Voting nay: Senators Hale, Hewitt, Hochstatter, Honeyford, Morton, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 13.

Excused: Senators Benton, Johnson and Sheldon, B. - 3.

SUBSTITUTE SENATE BILL NO. 5841, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hewitt, Senator Deccio was excused.

#### THIRD READING

SENATE BILL NO. 5523, by Senators Horn, Rossi and Snyder

Authorizing an offset for certain overpayments of tax concerning leased equipment.

The bill was read the third time and placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5523.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5523 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Brown, Carlson, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Absent: Senator McCaslin - 1.

Excused: Senators Benton, Deccio, Johnson and Sheldon, B. - 4.

SENATE BILL NO. 5523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

#### THIRD READING

SUBSTITUTE SENATE BILL NO. 5028, by Senate Committee on Judiciary (originally sponsored by Senators Franklin and Regala)

Establishing the legal presumption of reasonable value from the certification of health care records.

The bill was read the third time and placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5028.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5028 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Brown, Carlson, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Benton, Deccio, McCaslin and Sheldon, B. - 4.

SUBSTITUTE SENATE BILL NO. 5028, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 11:42 a.m., on motion of Senator Costa, the Senate adjourned until 12:00 noon, Thursday, February 7, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

TWENTY-FOURTH DAY, FEBRUARY 6, 2002

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**TWENTY-FIFTH DAY**

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NOON SESSION

Senate Chamber, Olympia, Thursday, February 7, 2002  
The Senate was called to order at 12:00 noon by Vice President Pro Tempore Shin. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 6, 2002  
SSB 5107 Prime Sponsor, Senate Committee on State and Local Government: Authorizing rural counties to use alternative methods to achieve planning goals. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Hale, Haugen, Horn, Keiser, Roach, T. Sheldon and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

February 6, 2002  
SB 5831 Prime Sponsor, Senator Swecker: Allowing the use of body-gripping traps under certain circumstances. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5831 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald and Oke.

Passed to Committee on Rules for second reading.

February 6, 2002  
SB 5873 Prime Sponsor, Senator Patterson: Revising certain day labor limits to account for inflation. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Kline, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 5, 2002  
E2SSB 5936 Prime Sponsor, Senate Committee on Ways and Means: Providing funds for housing projects. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Third Substitute Senate Bill No. 5936 be substituted therefor, and the third substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Referred to Committee on Ways and Means.

February 6, 2002  
SB 6240 Prime Sponsor, Senator Franklin: Clarifying the procedure for providing offenders with a certificate of discharge. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6240 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6243 Prime Sponsor, Senator McAuliffe: Requiring an evaluation of the current governance structure of the K-12 public school system. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6243 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Kastama, Kohl-Welles, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter, Johnson and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6294 Prime Sponsor, Senator T. Sheldon: Requiring sex offender community notification in foreign languages. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6294 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6299 Prime Sponsor, Senator Jacobsen: Setting fees for the production of duplicate fish and wildlife license documents. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Rossi, Sheahan, B. Sheldon, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6300 Prime Sponsor, Senator Jacobsen: Requiring a recreational fishing license for smelt. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6300 as recommended by Committee on Natural Resources, Parks and Shorelines be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Fraser, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Rossi, Sheahan, B. Sheldon, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6331 Prime Sponsor, Senator Poulsen: Specifying additional purposes for the use of revenues under the county conservation futures levy. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 6331 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, Morton, Oke, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6351 Prime Sponsor, Senator Haugen: Requiring notification policies regarding threats at schools. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6351 be substituted therefor, and the substitute bill do pass. Signed by Senators Eide, Vice Chair; Carlson, Finkbeiner, Hochstatter, Johnson, Kastama, Kohl-Welles, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6353 Prime Sponsor, Senator Haugen: Increasing the fee for the migratory bird stamp from six dollars to eight dollars.  
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 6353 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Poulsen, Vice Chair; Hargrove, McDonald, Oke, Snyder and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senators Morton and Stevens.

Referred to Committee on Ways and Means.

February 6, 2002

SB 6389 Prime Sponsor, Senator Benton: Authorizing placement of United States flags on school buses. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6389 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hochstatter, Johnson, Kastama, Kohl-Welles, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6400 Prime Sponsor, Senator Jacobsen: Developing a statewide biodiversity conservation strategy. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 6400 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Oke, Snyder and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senators Morton and Stevens.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6414 Prime Sponsor, Senator Prentice: Licensing and regulating money transmitters and currency exchangers. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6414 as recommended by Committee on Labor, Commerce and Financial Institutions be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fraser, Kline, Kohl-Welles, Poulsen, Rasmussen, B. Sheldon, Snyder, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6474 Prime Sponsor, Senator Morton: Concerning land purchases by state agencies. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 6474 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Oke, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6477 Prime Sponsor, Senator McAuliffe: Changing qualifications for public school principals and vice principals. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6477 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Kastama, Kohl-Welles, Rasmussen and Regala.

MINORITY Recommendation: Do not pass substitute. Signed by Senator Finkbeiner.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6501 Prime Sponsor, Senator Benton: Prohibiting sex offenders and kidnapping offenders from residing within five miles of victims. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6501 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6523 Prime Sponsor, Senator McAuliffe: Requiring a physician's medication or treatment order as a condition for children with life-threatening conditions to attend public school. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6523 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Hochstatter, Johnson, Kastama and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6535 Prime Sponsor, Senator Hargrove: Authorizing a disposition outside the standard range for the chemical dependency disposition alternative for juvenile offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6535 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 5, 2002

SB 6560 Prime Sponsor, Senator Prentice: Allowing the lottery commission to participate in a shared game lottery. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 6560 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Keiser, Vice Chair; Fairley, Franklin, Gardner, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Referred to Committee on Ways and Means.

February 6, 2002

SB 6570 Prime Sponsor, Senator Long: Revising the requirements of notification to coworkers when a sexually violent predator is employed. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6570 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6575 Prime Sponsor, Senator Hargrove: Concerning the designation of certain lands as natural area preserves or natural resource conservation areas. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 6575 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Morton, Oke, Snyder, Spanel and Stevens.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6609 Prime Sponsor, Senator Snyder: Allowing cost recovery in cases involving disputed department of ecology studies. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Gardner, Chair; Hale, Horn, Keiser, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6625 Prime Sponsor, Senator Kohl-Welles: Formalizing the relationship between the department of social and health services and the state school for the deaf. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6625 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6632 Prime Sponsor, Senator Prentice: Creating a joint committee on globalization and trade agreements. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6639 Prime Sponsor, Senator Rasmussen: Regulating commodity boards and commissions. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 6639 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6641 Prime Sponsor, Senator McAuliffe: Accommodating children with diabetes in schools. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6641 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Kastama, Kohl-Welles, Rasmussen and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6665 Prime Sponsor, Senator Johnson: Establishing cost-benefit criteria for SR 167. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 6665 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Horn, Jacobsen, Johnson, Keiser, McAuliffe, Oke, Prentice, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6702 Prime Sponsor, Senator Stevens: Protecting sibling relationships. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 6702 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6709 Prime Sponsor, Senator Eide: Addressing service and education planning for children in out-of-home care. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6725 Prime Sponsor, Senator Rasmussen: Authorizing treble damages for violence to agricultural research facilities and agricultural production facilities. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder and Swecker.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6763 Prime Sponsor, Senator Costa: Creating a task force on services for crime victims. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6767 Prime Sponsor, Senator Snyder: Adjusting the monetary threshold for "substantial development" under the shoreline management act. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 6767 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Poulsen, Vice Chair; Hargrove, McDonald, Oke, Snyder and Stevens.

MINORITY Recommendation: Do not pass. Signed by Senator Spanel.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6779 Prime Sponsor, Senator Haugen: Creating the military facilities task force. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Kline, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6788 Prime Sponsor, Senator Costa: Authorizing a travel payment for out-of-state parents of homicide victims. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 6, 2002

SB 6800 Prime Sponsor, Senator Honeyford: Encouraging fund-raising activities on behalf of the state legislative building. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Keiser, Kline, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 6, 2002

SJM 8036 Prime Sponsor, Senator B. Sheldon: Requesting a memorial to remember the internment of Japanese-Americans during World War II. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 8036 be substituted therefor, and the substitute bill do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Keiser, Kline, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 6, 2002

SJM 8038 Prime Sponsor, Senator Haugen: Asking the federal government for cooperation with the military facilities task force. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Gardner, Chair; Fairley, Vice Chair; Haugen, Horn, Kline, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 6, 2002

GA 9138 ELMIRA FORNER, appointed December 11, 2000, for a term ending June 30, 2006, as a member of the Transportation Commission.  
Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Jacobsen, Johnson, Kastama, Keiser, McDonald, Oke, Prentice, Shin and Swecker.

Passed to Committee on Rules.

February 6, 2002

GA 9223 RON SERPAS, appointed July 19, 2001, for a term ending at the pleasure of the Governor, as Chief of the Washington State Patrol.  
Reported by Committee on Transportation

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Jacobsen, Johnson, Kastama, Keiser, McDonald, Oke, Prentice, Shin and Swecker.

Passed to Committee on Rules.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6243 and Senate Bill No. 6609 were referred to the Committee on Rules.

#### MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

September 20, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following appointment, subject to your confirmation.  
Ida Zodrow, appointed September 20, 2001, for a term ending at the pleasure of the Governor as Administrator of the Washington State Health Care Authority.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Health and Long-Term Care.

January 25, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:  
I have the honor to submit the following appointment, subject to your confirmation.

James Hovis, appointed January 25, 2002, for a term ending January 17, 2007, as a member of the Horse Racing Commission.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Labor, Commerce and Financial Institutions.

January 25, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Captain Craig Lee, appointed January 25, 2002, for a term ending December 26, 2003, as a member of the Board of Pilotage Commissioners.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Transportation.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
Olympia, Washington 98504-5000

February 4, 2002

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

Dear Mr. Cook:

The Department of Social and Health Services (DSHS) has historically interpreted RCW 74.14C.070 as necessary only when funds are actually transferred from the foster care budget to fund family preservation services.

To date, this transfer of funding has never occurred. Therefore, the Department will not be submitting a report in 2001.

Please contact Sharon Young at (360) 902-7991 if you have any questions.

Sincerely,  
DENNIS BRADDOCK, Secretary

The Department of Social and Health Services notice that they will not be submitting a report in 2001 under RCW 74.14C.070, as necessary funds were not transferred from the foster care budget to fund family preservation services, is on file in the Office of the Secretary of the Senate.

MESSAGE FROM THE HOUSE

February 6, 2002

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 1079,  
SUBSTITUTE HOUSE BILL NO. 1277,  
SUBSTITUTE HOUSE BILL NO. 1395,  
SUBSTITUTE HOUSE BILL NO. 1444 , and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 6804 by Senator Hochstatter

AN ACT Relating to political party designation on election ballots; and amending RCW 29.30.020.

Referred to Committee on State and Local Government.

SB 6805 by Senator Fraser

AN ACT Relating to environmental quality benchmarks; amending RCW 43.21A.510 and 49.70.175; and creating new sections.

Referred to Committee on Environment, Energy and Water.

SB 6806 by Senators Keiser and Winsley

AN ACT Relating to creating a construction contractor joint underwriting association; and adding a new chapter to Title 48 RCW.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6807 by Senators Morton, T. Sheldon, Hewitt, Rasmussen and Hale

AN ACT Relating to persistent, bioaccumulative, toxics reduction and education; adding a new chapter to Title 70 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Environment, Energy and Water.

SB 6808 by Senators Gardner, Finkbeiner, Hewitt, Kline, Carlson, McDonald, Thibaudeau, Winsley, Jacobsen and Fraser

AN ACT Relating to the property taxation of organizations operated exclusively for art, scientific, or historical purposes or engaged in the production and performance of musical, dance, artistic, dramatic, or literary works; amending RCW 84.36.060, 84.36.805, 84.36.840, and 82.29A.130; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 6809 by Senators Hochstatter, Swecker, Stevens, Finkbeiner, Hewitt and Zarelli

AN ACT Relating to the Washington assessment of student learning; and amending RCW 28A.655.060.

Referred to Committee on Education.

SB 6810 by Senators Winsley, Rasmussen, McCaslin, Regala and West

AN ACT Relating to costs of supervision for deferred prosecutions; and amending RCW 10.01.160 and 10.05.170.

Referred to Committee on Judiciary.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1079 by House Committee on State Government (originally sponsored by Representatives Romero, Hankins, Haigh, Miloscia, Dickerson, McDermott, Kenney and Edwards)

Specifying how state buildings are named.

Referred to Committee on State and Local Government.

SHB 1277 by House Committee on Local Government and Housing (originally sponsored by Representatives Bush, Veloria, Van Luven, Kenney, Kirby, Mulliken and Dunshee)

Regarding residential landlord-tenant relationships.

Referred to Committee on Judiciary.

SHB 1395 by House Committee on Local Government and Housing (originally sponsored by Representatives Eickmeyer, Buck, Sump, Doumit, Kessler, Jackley, Van Luven, Haigh, Dunn, Murray, Edwards, Veloria, Romero, Hatfield, Pennington, Hunt, Ruderman, Linville, O'Brien, Conway and Santos)

Encouraging retention and enhancement of the job base in rural counties.

Referred to Committee on Economic Development and Telecommunications.

SHB 1444 by House Committee on Appropriations (originally sponsored by Representatives Murray, Ballasiotes, Mitchell, Quall, Dickerson, Haigh, McIntire, Linville, Simpson, Reardon, Kenney, Hunt, Fisher, Conway, Hurst, Tokuda, Fromhold, Poulsen, Santos, Romero, Rockefeller, Dunshee, Gombosky, Darneille, Edwards, Skinner, O'Brien, Lantz, Wood, Miloscia, Grant, Kessler, Kirby, Jackley, Kagi, Keiser, Sommers, Ogden, Cody, Edmonds, Morris, Lovick, McDermott, Woods, Jarrett, Mastin, Cooper, Schual-Berke and Ruderman) (by request of Governor Locke, Attorney General Gregoire and Superintendent of Public Instruction Bergeson)

Requiring school districts to adopt policies prohibiting harassment, intimidation, and bullying.  
Referred to Committee on Education.

#### MOTION

On motion of Senator Sheahan, the following resolution was adopted:

#### SENATE RESOLUTION 8740

#### **By Senator McAuliffe**

WHEREAS, Uniformed police officers are the first and last line of defense in our communities and are true American heroes who uphold the honor, integrity and authority entrusted to them; and

WHEREAS, The Bothell Police Department serves 30,000 residents in a twelve mile radius; and

WHEREAS, The mission of the Bothell Police Department is to protect life and property through professional service and proactive partnership in the community with integrity, responsiveness, sensitivity and respect; and

WHEREAS, Bothell Police Chief Mark Ericks has distinguished himself through leadership in service by establishing a positive community rapport; and

WHEREAS, Since the late 1960s, Chief Ericks has served in many capacities as a uniformed officer in Washington, including detective, undercover officer, hostage negotiator and administrator; and

WHEREAS, Since 1990, the respected Chief Ericks has been instrumental in the professional development of the Bothell Police Department, striving to establish a progressive police unit that holds diversity, inclusiveness and fairness at its core; and

WHEREAS, The Bothell Police Department grew during his tenure, from eighteen police officers to its current total of fifty-four officers and thirty civilian staff.

NOW THEREFORE BE IT RESOLVED, That the Washington State Senate expresses its appreciation to Chief Mark Ericks for his distinguished thirty year career in law enforcement and wishes him luck in his future endeavors;

BE IT FURTHER RESOLVED, That the Washington State Senate honor and congratulate Chief Mark Ericks for his exemplary conduct, dedication, hard work and contributions to his community and police department; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Chief Mark Ericks and the Bothell Police Department.

#### MOTION

At 12:05 p.m., on motion of Senator Sheahan, the Senate adjourned until 10:00 a.m., Friday, February 8, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

TWENTY FIFTH DAY, FEBRUARY 7, 2002

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**NOTICE:** FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

**TWENTY-SIXTH DAY**

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**MORNING SESSION**  
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SENATE CHAMBER, OLYMPIA, FRIDAY, FEBRUARY 2, 2001

THE SENATE WAS CALLED TO ORDER AT 10:00 A.M. BY PRESIDENT PRO TEMPORE FRANKLIN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT PRO TEMPORE THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS BENTON, BROWN, HALE, KLINE AND KOHL-WELLES.

THE SERGEANT AT ARMS COLOR GUARD CONSISTING OF PAGES CASEY COSTELLO AND ROSS DANIEL, PRESENTED THE COLORS. SENATOR DAN SWECKER OFFERED THE PRAYER.

**MOTION**

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

**REPORTS OF STANDING COMMITTEES**

JANUARY 31, 2001

**SB 5057** PRIME SPONSOR, SENATOR GARDNER: SPECIFYING HOW CODE CITIES MAY CHANGE THE PLAN OF GOVERNMENT. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 31, 2001

**SB 5065** PRIME SPONSOR, SENATOR McCASLIN: AUTHORIZING INDEPENDENT SALARY COMMISSIONS FOR CITIES, TOWNS, AND COUNTIES. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 31, 2001

**SB 5141** PRIME SPONSOR, SENATOR HALE: REQUIRING NONPARTISAN SHERIFFS. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, McCASLIN, T. SHELDON AND SWECKER.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATOR HORN.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 31, 2001

**SB 5256** PRIME SPONSOR, SENATOR KASTAMA: ENACTING THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 31, 2001

SB 5286 PRIME SPONSOR, SENATOR PATTERSON: ADDING THE CODE REVISER TO THE UNIFORM LEGISLATION COMMISSION.  
REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 1, 2001

SB 5315 PRIME SPONSOR, SENATOR FRASER: INCLUDING DRINKING WATER ACCOUNTS IN INTEREST-BEARING ACCOUNTS.  
REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, HONEYFORD, McDONALD AND MORTON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

JANUARY 31, 2001

SB 5352 PRIME SPONSOR, SENATOR HORN: INCREASING THE BUILDING CODE COUNCIL FEE. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, T. SHELDON AND SWECKER.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 1, 2001

SB 5453 PRIME SPONSOR, SENATOR DECCIO: AUTHORIZING AN AIR POLLUTION CONTROL OFFICER TO REQUEST A SEARCH WARRANT FOR INVESTIGATIVE PURPOSES. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, HONEYFORD, McDONALD AND MORTON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 1, 2001

SB 5717 PRIME SPONSOR, SENATOR BROWN: FUNDING THE LOW-INCOME ENERGY ASSISTANCE PROGRAM. REPORTED BY COMMITTEE ON WAYS AND MEANS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5717 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS BROWN, CHAIR; CONSTANTINE, VICE CHAIR; FAIRLEY, VICE CHAIR; FRASER, HEWITT, KLINE, LONG, PARLETTE, RASMUSSEN, REGALA, ROACH, B. SHELDON, SNYDER, SPANEL AND THIBAudeau.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 1, 2001

SJM 8004 PRIME SPONSOR, SENATOR SPANEL: PETITIONING CONGRESS TO APPROPRIATE SUPPORT FOR AN OIL SPILL PREVENTION TUGBOAT IN THE STRAIT OF JUAN DE FUCA. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE AND MORTON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 1, 2001

SJM 8005 PRIME SPONSOR, SENATOR FRASER: PETITIONING CONGRESS TO STRENGTHEN VESSEL SAFETY STANDARDS.  
REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE,  
HALE, HONEYFORD, McDONALD AND MORTON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

#### MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 5352 WAS REFERRED TO THE COMMITTEE ON WAYS AND  
MEANS.

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

APRIL 10, 2000

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
LADIES AND GENTLEMEN:

I HAVE THE HONOR TO SUBMIT THE FOLLOWING APPOINTMENT, SUBJECT TO YOUR CONFIRMATION.

BILL PALMER, APPOINTED APRIL 10, 2000, FOR A TERM ENDING AT THE PLEASURE OF THE GOVERNOR, AS DIRECTOR  
OF THE DEPARTMENT OF SERVICES FOR THE BLIND.

SINCERELY,  
GARY LOCKE, GOVERNOR

REFERRED TO THE COMMITTEE ON STATE AND LOCAL GOVERNMENT.

#### MESSAGE FROM THE HOUSE

FEBRUARY 1, 2001

MR. PRESIDENT:

THE CO-SPEAKERS HAVE SIGNED HOUSE CONCURRENT RESOLUTION NO. 4403, AND THE SAME IS HEREWITH  
TRANSMITTED.

CYNTHIA ZEHNDER, CO-CHIEF CLERK  
TIMOTHY A. MARTIN, CO-CHIEF CLERK

SIGNED BY THE PRESIDENT

THE PRESIDENT SIGNED:  
HOUSE CONCURRENT RESOLUTION NO. 4403.

#### INTRODUCTION AND FIRST READING

SB 5773 BY SENATORS McAULIFFE, CARLSON, RASMUSSEN, ZARELLI, FRASER, KOHL-WELLES, KASTAMA, PRENTICE,  
FINKBEINER, REGALA AND COSTA; (BY REQUEST OF SUPERINTENDENT OF PUBLIC INSTRUCTION BERGESON)

AN ACT RELATING TO PEER MENTOR PROGRAMS; AMENDING RCW 28A.415.250; AND CREATING A NEW  
SECTION.  
REFERRED TO COMMITTEE ON EDUCATION.

SB 5774 BY SENATORS KOHL-WELLES, WINSLEY AND FAIRLEY

AN ACT RELATING TO CONDOMINIUM RESALE CERTIFICATES; AND AMENDING RCW 64.34.425.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5775 BY SENATORS HARGROVE, PATTERSON, FRANKLIN, B. SHELDON, SNYDER, SPANEL, COSTA, T. SHELDON, PRENTICE,  
McAULIFFE, McCASLIN, GARDNER, WINSLEY, OKE, RASMUSSEN AND CONSTANTINE

AN ACT RELATING TO AUTHORIZING TAXPAYER TAX EXEMPTIONS FROM AND CREDITS AGAINST THE STATE  
PROPERTY TAX; AMENDING RCW 84.56.050; ADDING A NEW CHAPTER TO TITLE 84 RCW; CREATING A NEW SECTION;  
PRESCRIBING PENALTIES; AND PROVIDING A CONTINGENT EFFECTIVE DATE.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 5776 BY SENATORS PRENTICE, WINSLEY, GARDNER AND COSTA (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

AN ACT RELATING TO PROTECTING THE CONFIDENTIALITY OF INFORMATION RELATING TO INSURANCE; ADDING A NEW SECTION TO CHAPTER 48.02 RCW; AND ADDING A NEW SECTION TO CHAPTER 42.17 RCW. REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5777 BY SENATORS PRENTICE, WINSLEY, THIBAudeau, DECCIO AND RASMUSSEN

AN ACT RELATING TO HEALTH CARE BENEFITS FOR RETIREES OF LOCAL GOVERNMENT EMPLOYERS; ADDING NEW SECTIONS TO CHAPTER 41.04 RCW; CREATING A NEW SECTION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN EXPIRATION DATE. REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5778 BY SENATORS HAUGEN AND OKE (BY REQUEST OF DEPARTMENT OF LICENSING)

AN ACT RELATING TO LICENSING FILING FEES; AND AMENDING RCW 46.01.140 AND 46.16.071. REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5779 BY SENATORS PATTERSON AND BENTON

AN ACT RELATING TO SERVICE PROVIDERS WHO PASS ON COSTS TO CASUALTY OR PROPERTY INSURERS; AND AMENDING RCW 48.30A.015. REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5780 BY SENATORS JACOBSEN AND PRENTICE

AN ACT RELATING TO A TASK FORCE ON THE SUCCESS OF HISPANIC STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION; CREATING A NEW SECTION; PROVIDING AN EXPIRATION DATE; AND DECLARING AN EMERGENCY. REFERRED TO COMMITTEE ON HIGHER EDUCATION.

SB 5781 BY SENATORS RASMUSSEN, HONEYFORD, T. SHELDON AND SWECKER

AN ACT RELATING TO THE FRUIT AND VEGETABLE DISTRICT FUND; AMENDING RCW 15.17.243; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY. REFERRED TO COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE.

SB 5782 BY SENATOR HAUGEN (BY REQUEST OF WASHINGTON TRAFFIC SAFETY COMMISSION)

AN ACT RELATING TO ENFORCEMENT OF SAFETY BELT LAWS; AMENDING RCW 46.61.688 AND 46.61.688; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN EXPIRATION DATE. REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5783 BY SENATORS GARDNER AND HALE (BY REQUEST OF SECRETARY OF STATE REED)

AN ACT RELATING TO CANDIDATES FOR ELECTED OFFICE; AMENDING RCW 29.24.020, 29.24.035, AND 29.30.020; ADDING A NEW SECTION TO CHAPTER 29.27 RCW; AND ADDING A NEW SECTION TO CHAPTER 29.24 RCW. REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5784 BY SENATORS KLINE, PRENTICE, FRASER AND COSTA

AN ACT RELATING TO TENANT SECURITY DEPOSITS; AND AMENDING RCW 59.18.270. REFERRED TO COMMITTEE ON JUDICIARY.

SB 5785 BY SENATORS KLINE, CONSTANTINE, SHEAHAN, KOHL-WELLES AND PRENTICE

AN ACT RELATING TO QUALIFICATIONS OF JUDGES; ADDING A NEW SECTION TO CHAPTER 2.04 RCW; ADDING A NEW SECTION TO CHAPTER 2.08 RCW; CREATING A NEW SECTION; AND PROVIDING A CONTINGENT EFFECTIVE DATE.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5786 BY SENATORS KLINE, SHEAHAN, KOHL-WELLES AND PRENTICE

AN ACT RELATING TO QUALIFICATIONS OF JUDGES; AMENDING RCW 2.06.050; CREATING A NEW SECTION; AND PROVIDING A CONTINGENT EFFECTIVE DATE.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5787 BY SENATORS HAUGEN, KLINE, PATTERSON, CONSTANTINE, KOHL-WELLES, FRASER, PRENTICE AND REGALA

AN ACT RELATING TO THE DEATH PENALTY; ADDING A NEW SECTION TO CHAPTER 10.95 RCW; MAKING AN APPROPRIATION; AND PROVIDING AN EXPIRATION DATE.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5788 BY SENATORS KLINE, SWECKER, PATTERSON, OKE, SHIN, RASMUSSEN, COSTA, PRENTICE, SHEAHAN, MCAULIFFE, MCCASLIN, BENTON, FRASER, DECCIO, FINKBEINER, JOHNSON AND WINSLEY

AN ACT RELATING TO THE DEFINITION OF "WHISTLEBLOWER"; AND AMENDING RCW 42.40.020.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5789 BY SENATORS KLINE, SWECKER, PATTERSON, OKE, SHIN, KOHL-WELLES, SHEAHAN, PRENTICE, RASMUSSEN, KASTAMA, BENTON, COSTA, MCCASLIN, FINKBEINER, DECCIO, FRASER AND WINSLEY

AN ACT RELATING TO WHISTLEBLOWERS; ADDING A NEW SECTION TO CHAPTER 42.40 RCW; AND MAKING APPROPRIATIONS.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5790 BY SENATORS KLINE, COSTA, SHIN, SHEAHAN, MCCASLIN, DECCIO, WINSLEY AND CONSTANTINE

AN ACT RELATING TO VEHICULAR ASSAULT; AMENDING RCW 46.61.522, 9.41.010, 9.94A.030, 9.94A.150, 13.40.0357, 38.52.430, AND 46.61.524; REENACTING AND AMENDING RCW 9.94A.320, 9.94A.440, AND 46.20.391; AND PRESCRIBING PENALTIES.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5791 BY SENATORS KLINE, SHEAHAN, PATTERSON, MCCASLIN, CONSTANTINE, JOHNSON, COSTA, KOHL-WELLES, DECCIO, ROACH AND WINSLEY

AN ACT RELATING TO ACTIONS AND PROCEEDINGS FOR DAMAGES BROUGHT AGAINST LAW ENFORCEMENT OFFICERS; AND AMENDING RCW 4.96.041.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5792 BY SENATORS PRENTICE, HONEYFORD, WINSLEY, RASMUSSEN, ROSSI, HALE, CONSTANTINE, B. SHELDON, DECCIO, HEWITT AND GARDNER

AN ACT RELATING TO MODIFYING WINE AND CIDER PROVISIONS BY REMOVING A TERMINATION DATE; AND AMENDING RCW 66.24.210.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5793 BY SENATORS THIBAudeau, DECCIO, WINSLEY AND PRENTICE (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

AN ACT RELATING TO THE HOLDING COMPANY ACT FOR HEALTH CARE SERVICE CONTRACTORS AND HEALTH MAINTENANCE ORGANIZATIONS; ADDING A NEW CHAPTER TO TITLE 48 RCW; AND PRESCRIBING PENALTIES.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

**SB 5794** BY SENATORS THIBAudeau, DECCIO, FAIRLEY AND COSTA

AN ACT RELATING TO MEDICAL REPORTS IN GUARDIANSHIP PROCEEDINGS BY ADVANCED REGISTERED NURSE PRACTITIONERS; AND AMENDING RCW 11.88.045.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

**SB 5795** BY SENATORS THIBAudeau, DECCIO, FAIRLEY, COSTA AND PRENTICE

AN ACT RELATING TO DETERMINATION OF DISABILITY FOR SPECIAL PARKING PRIVILEGES BY ADVANCED REGISTERED NURSE PRACTITIONERS; AND AMENDING RCW 46.16.381.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

**SB 5796** BY SENATORS DECCIO, THIBAudeau, FAIRLEY, COSTA AND PRENTICE

AN ACT RELATING TO PRESCRIPTIVE AUTHORITY FOR ADVANCED REGISTERED NURSE PRACTITIONERS; AMENDING RCW 18.79.050, 18.79.240, AND 18.79.250; AND REPEALING RCW 18.57.280, 18.71.370, AND 18.79.320.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

**SB 5797** BY SENATORS PRENTICE, DECCIO, FAIRLEY, THIBAudeau AND COSTA

AN ACT RELATING TO AUTHORIZING ADVANCED REGISTERED NURSE PRACTITIONERS TO EXAMINE, DIAGNOSE, AND TREAT INJURED WORKERS COVERED BY INDUSTRIAL INSURANCE; AMENDING RCW 51.04.030, 51.04.050, 51.28.010, 51.28.020, 51.28.025, 51.28.030, 51.28.055, 51.32.055, 51.32.095, 51.32.112, 51.36.010, 51.36.060, 51.36.070, 51.36.110, 51.48.060, AND 51.52.010; AND REENACTING AND AMENDING RCW 51.32.090.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

**SB 5798** BY SENATORS WINSLEY AND DECCIO

AN ACT RELATING TO INSPECTIONS OF ELECTRICAL INSTALLATIONS; AND AMENDING RCW 19.28.101.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

**SB 5799** BY SENATORS T. SHELDON, WEST, GARDNER, HOCHSTATTER AND OKE (BY REQUEST OF DEPARTMENT OF INFORMATION SERVICES)

AN ACT RELATING TO FRAUDULENTLY OBTAINING OR USING DIGITAL SIGNATURES AND DIGITAL CERTIFICATES; ADDING A NEW SECTION TO CHAPTER 9.38 RCW; AND PRESCRIBING PENALTIES.  
REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

**SB 5800** BY SENATORS PRENTICE AND WINSLEY

AN ACT RELATING TO THE PRIVACY OF CERTAIN BUSINESS FINANCIAL AND COMMERCIAL INFORMATION REQUESTED BY PORT DISTRICTS; AND REENACTING AND AMENDING RCW 42.17.310.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

**SB 5801** BY SENATORS STEVENS, SHEAHAN, HEWITT, JOHNSON, ZARELLI, T. SHELDON, HALE, PRENTICE, COSTA, McCASLIN, HOCHSTATTER, OKE, RASMUSSEN AND SWECKER

AN ACT RELATING TO NOTICE OF RULE CHANGES; AND ADDING A NEW SECTION TO CHAPTER 34.05 RCW.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

**SB 5802** BY SENATORS McDONALD, HONEYFORD, T. SHELDON, HALE, PRENTICE, COSTA, HOCHSTATTER, OKE, SWECKER, PARLETTE AND CARLSON

AN ACT RELATING TO SIGNIFICANT LEGISLATIVE RULES; AND AMENDING RCW 34.05.328.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

**SB 5803** BY SENATORS HALE, HONEYFORD, McDONALD, OKE, T. SHELDON, HEWITT, McCASLIN, HOCHSTATTER, SWECKER, PARLETTE AND CARLSON

AN ACT RELATING TO SIGNIFICANT LEGISLATIVE RULES; AMENDING RCW 34.05.328; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5804 BY SENATORS McCASLIN, HONEYFORD, McDONALD, FINKBEINER, RASMUSSEN, CONSTANTINE, HOCHSTATTER, OKE, SWECKER, PARLETTE AND CARLSON

AN ACT RELATING TO INCREASING AWARDS UNDER EQUAL ACCESS TO JUSTICE; AND AMENDING RCW 4.84.350.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5805 BY SENATORS HOCHSTATTER, T. SHELDON, HONEYFORD, HALE, HEWITT, RASMUSSEN, McCASLIN, STEVENS, OKE AND SWECKER

AN ACT RELATING TO GRANTS OF RULE-MAKING AUTHORITY; ADDING A NEW SECTION TO CHAPTER 43.21A RCW; ADDING A NEW SECTION TO CHAPTER 43.22 RCW; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5806 BY SENATORS BENTON, FAIRLEY, HORN, KLINE, RASMUSSEN, ROACH AND STEVENS

AN ACT RELATING TO OPEN PUBLIC MEETINGS; AMENDING RCW 42.30.030, 42.30.040, 42.30.060, AND 42.30.070; AND ADDING A NEW SECTION TO CHAPTER 42.30 RCW.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5807 BY SENATORS BENTON, T. SHELDON, PATTERSON, SHIN, RASMUSSEN, JOHNSON, PRENTICE, FINKBEINER, ROACH, KLINE, FAIRLEY, McCASLIN, STEVENS AND OKE

AN ACT RELATING TO PROPERTY TAX APPEALS; AMENDING RCW 84.40.0301; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5808 BY SENATORS CONSTANTINE, RASMUSSEN, PATTERSON, KASTAMA, KLINE, WINSLEY, HONEYFORD, JOHNSON, REGALA, B. SHELDON, PRENTICE, SHEAHAN, McAULIFFE AND ZARELLI

AN ACT RELATING TO THE AGRICULTURAL MARKETING OF FARMER-PRODUCED BOTTLED WINE AT FARMERS' MARKETS; AND ADDING A NEW SECTION TO CHAPTER 66.12 RCW.  
REFERRED TO COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE.

SB 5809 BY SENATORS COSTA, KOHL-WELLES, FAIRLEY, THIBAudeau, FRASER, PATTERSON, GARDNER AND T. SHELDON

AN ACT RELATING TO BREASTFEEDING; AMENDING RCW 9A.88.010; AND ADDING NEW SECTIONS TO CHAPTER 43.70 RCW.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5810 BY SENATORS KOHL-WELLES, FINKBEINER, KASTAMA, SHEAHAN AND PATTERSON

AN ACT RELATING TO ESTABLISHING SMALL PERSONALIZED SCHOOLS; ADDING A NEW SECTION TO CHAPTER 28A.505 RCW; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON EDUCATION.

SB 5811 BY SENATORS KOHL-WELLES, HARGROVE, COSTA, LONG, McAULIFFE AND CARLSON

AN ACT RELATING TO ANNUAL REPORTS OF, AND RECOMMENDATIONS FOR IMPROVEMENTS IN, EQUAL ACCESS TO DELIVERY OF HUMAN SERVICES BY THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES, JUVENILE REHABILITATION ADMINISTRATION; AND ADDING A NEW CHAPTER TO TITLE 43 RCW.  
REFERRED TO COMMITTEE ON HUMAN SERVICES AND CORRECTIONS.

SJM 8011 BY SENATORS PRENTICE, FINKBEINER, T. SHELDON, SHIN, REGALA, COSTA, KLINE, THIBAudeau, PATTERSON, JACOBSEN, SNYDER, CARLSON, CONSTANTINE, KASTAMA, HARGROVE, BENTON, HAUGEN, HOCHSTATTER, RASMUSSEN, KOHL-WELLES, OKE, JOHNSON, MCAULIFFE, McDONALD, HONEYFORD, GARDNER AND WINSLEY

ASKING THAT THE FEDERAL GOVERNMENT PROVIDE VETERANS' BENEFITS OWED TO FILIPINO VETERANS.

REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SJR 8211 BY SENATORS HARGROVE, PATTERSON, FRANKLIN, B. SHELDON, SNYDER, SPANEL, COSTA, T. SHELDON, PRENTICE, MCAULIFFE, MCCASLIN, GARDNER, WINSLEY, HAUGEN, RASMUSSEN AND CONSTANTINE

AUTHORIZING TAXPAYER TAX EXEMPTIONS FROM AND CREDITS AGAINST THE STATE PROPERTY TAX.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SJR 8212 BY SENATORS KLINE, CONSTANTINE, SHEAHAN, KOHL-WELLES, PRENTICE, WINSLEY AND HAUGEN

SPECIFYING QUALIFICATIONS FOR JUDICIAL OFFICES.

REFERRED TO COMMITTEE ON JUDICIARY.

#### INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT PRO TEMPORE INTRODUCED MR. DON RYONG KIM, CONGRESSMAN, MINORITY LEADER, FORMER MINISTER OF INTERIOR AFFAIRS FROM THE REPUBLIC OF KOREA, WHO WAS SEATED ON THE ROSTRUM.

WITH PERMISSION OF THE SENATE, BUSINESS WAS SUSPENDED TO PERMIT MR. KIM TO ADDRESS THE SENATE.

SENATOR SHIN ACTED AS INTERPRETER AND INTRODUCED OTHER GUESTS FROM THE REPUBLIC OF KOREA: MR. MYONG HWAN PAK, CONGRESSMAN, CHAIRMAN OF FOREIGN RELATIONS COMMITTEE; MR. WOONG KYU CHO, CONGRESSMAN, VICE-CHAIR OF FOREIGN RELATIONS COMMITTEE, KOREAN-AMERICAN SOCIETY PRESIDENT, AND MR. MYONG ROK NO, CONSUL GENERAL, WHO WERE SEATED IN THE GALLERY.

#### MOTION

ON MOTION OF SENATOR SWECKER THE FOLLOWING RESOLUTION WAS ADOPTED:

#### SENATE RESOLUTION 2001-8608

**BY SENATORS SWECKER, COSTA, AND RASMUSSEN**

**WHEREAS, THE WASHINGTON STATE SENATE SUPPORTS EXCELLENCE IN ALL FIELDS OF HUMAN ENDEAVOR AND THINKS IT IS PARTICULARLY IMPORTANT TO RECOGNIZE THE ACHIEVEMENTS OF EXCEPTIONAL YOUNG PEOPLE; AND**

**WHEREAS, TODAY'S YOUNGER GENERATION, WHICH IS SO INFLUENCED BY ITS PEER GROUPS, IS IN NEED OF POSITIVE ROLE MODELS AND OUTSTANDING DEMONSTRATIONS OF COMMUNITY SPIRIT AND GOOD WORKS BY MEMBERS OF ITS OWN GENERATION; AND**

**WHEREAS, TWELVE YEAR OLD ADAM LEE, GRANDSON OF MR. AND MRS. CHARLES JONES FROM CENTRALIA, HAS OVERCOME A SEVERE CASE OF DYSLEXIA TO BECOME AN ACCOMPLISHED PIANIST WHO ENJOYS NOTHING MORE THAN SHARING HIS GIFTS AND TALENTS WITH OTHERS; AND**

**WHEREAS, ADAM HAS PERFORMED IN PUBLIC TO HELP RAISE MONEY FOR GOOD AND WORTHY CAUSES INCLUDING THE AMERICAN RED CROSS, KOSOVO RELIEF, THE SEATTLE SENIORS CENTER, THE SOUTHEAST SEATTLE SENIOR CENTER, SENIOR SERVICES FOR SOUTH SOUND, OPERATION NIGHT VISION IN BOISE, ID, THE NATIONAL WORLD WAR II WAR MEMORIAL IN WASHINGTON, D.C. AMONG OTHERS; AND**

**WHEREAS, ADAM HAS PERFORMED FOR THE HONORABLE U.S. SENATOR PATTY MURRAY, THE HONORABLE GOVERNOR GARY LOCKE, THE WASHINGTON STATE LEGISLATURE, AND LATER FOR THE NATION AT-LARGE DURING HIS 1999 HOLIDAY SEASON RECITAL AT THE WHITE HOUSE ARRANGED BY SPECIAL INVITATION FROM PRESIDENT BILL CLINTON; AND**

**WHEREAS, ADAM'S PRESENT ACCOMPLISHMENTS AND FUTURE SUCCESSSES CAN BE ATTRIBUTED IN NO SMALL PART TO THE DEDICATION AND CONSTANT SUPPORT OF HIS MOTHER, MS. JOANNA LEE; AND**

**WHEREAS, BY HIS UNSELFISH COMMITMENT TO THE PUBLIC GOOD, HIS DESIRE TO BRING JOY TO THE HEARTS OF OTHERS AND HIS DETERMINATION TO OVERCOME HIS LEARNING DISABILITY, ADAM HAS BEEN AN INSPIRATION TO HIS TEACHERS, HIS PEERS AND HIS COMMUNITY;**

***NOW THEREFORE BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE HONOR AND THANK ADAM LEE FOR HIS INSPIRATION, EXAMPLE, DEDICATION, PUBLIC SPIRIT AND MUSICAL EXCELLENCE; AND BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO ADAM LEE, HIS MOTHER Ms. JOANNA LEE AND HIS GRANDPARENTS, MR. & MRS. CHARLES JONES.***

SENATORS SWECKER AND THIBAudeau SPOKE TO SENATE RESOLUTION 2001-8608.

#### INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT WELCOMED AND INTRODUCED ADAM LEE, HIS MOTHER AND HIS GRANDPARENTS, WHO WERE SEATED IN THE GALLERY.

#### MOTION

ON MOTION OF SENATOR PARLETTE, THE FOLLOWING RESOLUTION WAS ADOPTED

#### SENATE RESOLUTION 2001-8610

BY SENATORS PARLETTE, HONEYFORD, CARLSON, RASMUSSEN, AND COSTA

WHEREAS, ALL CITIZENS SHOULD BE MADE AWARE OF THE SAFE, PROPER, EFFECTIVE, AND EFFICIENT USE OF MEDICATIONS; AND

WHEREAS, NEARLY HALF OF THE MEDICATIONS PRESCRIBED ARE USED INCORRECTLY, THUS CONTRIBUTING TO PROLONGED ILLNESS, AVOIDABLE SIDE EFFECTS AND INTERACTIONS, AND UNNECESSARY HOSPITALIZATIONS; AND

WHEREAS, THE EFFORTS OF OUR EDUCATIONAL INSTITUTIONS, STATE AGENCIES, AND VOLUNTARY PHARMACY ORGANIZATIONS ARE INSTRUMENTAL IN EDUCATING THE PUBLIC ABOUT SAFE AND PROPER MEDICATION USE; AND

WHEREAS, PHARMACISTS ARE DEVOTED TO IMPROVING PATIENT HEALTH CARE OUTCOMES IN COLLABORATION WITH OTHER HEALTH CARE PROVIDERS IN THE COMMUNITY, INCLUDING HOSPITALS, MANAGED CARE, NURSING HOMES, HOME HEALTH CARE, AND RESEARCH AND INDUSTRY SITES; AND

WHEREAS, OVER THE PAST TEN YEARS, NATIONAL POLLS HAVE CONTINUOUSLY RANKED PHARMACISTS AS THE MOST HIGHLY RESPECTED PROFESSIONALS IN THE COUNTRY;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE HEREBY RECOGNIZE THE PHARMACIST'S VITAL SERVICE TO THE COMMUNITY AND TO THE ADVANCEMENT OF HIGH-QUALITY, COST-EFFECTIVE HEALTH CARE; AND

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO THE STATE BOARD OF PHARMACY AND TO THE WASHINGTON STATE PHARMACISTS ASSOCIATION.

SENATORS PARLETTE, THIBAudeau, HONEYFORD AND DECCIO SPOKE TO SENATE RESOLUTION 2001-8610

#### INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT PRO TEMPORE WELCOMED AND INTRODUCED PHARMACISTS REPRESENTING THE STATE BOARD OF PHARMACY AND THE WASHINGTON STATE PHARMACISTS ASSOCIATION, WHO WERE SEATED IN THE GALLERY.

#### MOTION

ON MOTION OF SENATOR SHIN, THE FOLLOWING RESOLUTION WAS ADOPTED:

#### SENATE RESOLUTION 2001-8602

BY SENATORS SHIN, McAULIFFE AND COSTA

WHEREAS, ARTISTIC ENDEAVOR IS AN IMPORTANT WAY FOR YOUNG PEOPLE TO DEVELOP CREATIVITY, THEIR MINDS, AND SELF-ESTEEM; AND

WHEREAS, STUDENTS FROM THE FOURTH AND FIFTH GRADE MULTIAGED CLASSROOM OF MARTHA LAKE ELEMENTARY SCHOOL DEMONSTRATED EXCEPTIONAL ARTISTIC DEVELOPMENT BY DESIGNING A WASHINGTON STATE FLAG TO CELEBRATE THE ARTS FOR THE YEAR 2000 YOUTH ART MONTH; AND

WHEREAS, MARTHA LAKE STUDENTS WERE THE ONLY ELEMENTARY ENTRIES IN THE CONTEST, ALL OTHER ENTRIES BEING FROM MIDDLE AND HIGH SCHOOL ART CLASSES; AND

WHEREAS, THE STUDENTS WORKED ON THE ART PROJECT FOR SEVEN HOURS OVER A PERIOD OF A WEEK, CREATING TWELVE THREE FOOT BY FIVE FOOT SIZED PAPER QUILTS, FOUR OF WHICH WERE CHOSEN TO BE MADE INTO A WASHINGTON STATE FLAG; AND

WHEREAS, THE STUDENTS WHOSE ART WAS CHOSEN INCLUDED TAMARA LAGRANDEUR, JOHN RITZMAN, KATRIINA SCHAEFER AND KATHERINE SHOTWELL; AND

WHEREAS, INSTRUCTOR KAY KITE DEMONSTRATED LEADERSHIP AND DEVOTION BY ENCOURAGING HER STUDENTS TO EXCEL IN THE ARTS THROUGH STRUCTURING CLASS TIME, ARTISTIC EXERCISES, AND CLASSROOM DISCUSSIONS; AND

WHEREAS, EACH PAPER QUILT INCLUDED FOUR SEPARATE COLLAGES REPRESENTING THE FOUR ARTS OF DANCE, DRAMA, MUSIC, AND VISUAL ART, FOR A TOTAL OF FORTY-EIGHT COLLAGES; AND

WHEREAS, THE STUDENTS PERFORMED CUTTING EXERCISES, PRACTICED DRAWING TO MUSIC, DRAWING WITH THEIR EYES CLOSED, AND PERFORMED OTHER EXERCISES TO LOOSEN UP AND DISCOVER THEIR PLAYFUL INNER ARTIST; AND

WHEREAS, THE STUDENTS TALKED ABOUT COLOR CHOICES AND HOW HENRI MATISSE, WHEN DOING HIS JAZZ SERIES OF COLORFUL COLLAGES AND OTHER WORKS, ATTACHED SIGNIFICANCE TO THE COLORS HE USED; AND

WHEREAS, THE STUDENTS TALKED ABOUT THE IMPORTANCE OF KEEPING THE SHAPES BOLD AND SIMPLE AS THEY WOULD BE SEEN BY PEOPLE WALKING AND DRIVING, NOT BY PEOPLE STANDING AS IN A GALLERY; AND

WHEREAS, THE STUDENTS USED STRONG COLORS SO THAT THE WORK WOULD HAVE GOOD CONTRAST, BECAUSE IT WOULD BE SEEN AT A DISTANCE HANGING ON POLES IN FRONT OF A BUILDING OR FROM A CEILING; AND

WHEREAS, THE STUDENTS WERE CONFIDENT THAT THEIR ART WOULD BE SELECTED; AND

WHEREAS, OUT OF THE FIFTY FLAGS PRODUCED NATIONALLY, MARTHA LAKE ELEMENTARY SCHOOL'S ART FLAG WAS ONE OF ONLY FOUR THAT WERE CHOSEN TO GO ON TOUR, AND FLEW FOR THE MONTH OF MARCH IN WASHINGTON STATE, THEN IN APRIL AT THE NATIONAL ART EDUCATION ASSOCIATION'S ANNUAL CONFERENCE AND AT THE NATIONAL ART MATERIAL TRADE ASSOCIATION CONVENTION IN ANAHEIM, CALIFORNIA, AND FINALLY WAS FLOWN AT THE SMITHSONIAN INSTITUTE'S POSTAL MUSEUM TO CELEBRATE THE IMPORTANCE OF THE ARTS IN WASHINGTON, D.C.;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE RECOGNIZE INSTRUCTOR KAY KITE AND ALL MEMBERS OF THE FOURTH AND FIFTH GRADE MULTIAGED CLASSROOM OF MARTHA LAKE ELEMENTARY SCHOOL FOR DEMONSTRATING EXCEPTIONAL ARTISTIC DEVELOPMENT IN WINNING THE WASHINGTON ART EDUCATORS ASSOCIATION'S YOUTH ART MONTH 2000; AND

BE IT FURTHER RESOLVED, THAT COPIES OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO MARTHA LAKE ELEMENTARY SCHOOL, TO INSTRUCTOR KAY KITE, AND TO EACH MEMBER OF THE FOURTH AND FIFTH GRADE MULTIAGED CLASSROOM OF MARTHA LAKE ELEMENTARY SCHOOL.

SENATORS SHIN AND COSTA SPOKE TO SENATE RESOLUTION 2001-8602.

#### INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT WELCOMED AND INTRODUCED THE STUDENTS FROM MARTHA LAKE ELEMENTARY SCHOOL AND THEIR INSTRUCTOR KAY KITE, WHO WERE SEATED IN THE GALLERY.

#### PERSONAL PRIVILEGE

SENATOR HOCHSTATTER: "I HAVE SOME JOB SHADOWS WHO WERE NOT IN THE CHAMBER WHEN YOU SO KINDLY INTRODUCED THE JOB SHADOWS. SO, MAY I HAVE THEM RISE THAT THEY MIGHT BE INTRODUCED WITH THE GROUP?"

#### REPLY BY THE PRESIDENT PRO TEMPORE

PRESIDENT PRO TEMPORE FRANKLIN: "ACCEPTED, SENATOR. WOULD THE JOB SHADOWS AND SENATOR HOCHSTATTER PLEASE RISE?"

#### MOTION

AT 10:29 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE RECESSED UNTIL 11:30 A.M.

THE SENATE WAS CALLED TO ORDER AT 11:32 A.M. BY PRESIDENT PRO TEMPORE FRANKLIN.

#### MOTION

ON MOTION OF SENATOR HORN, THE FOLLOWING RESOLUTION WAS ADOPTED:

SENATE RESOLUTION 2001-8607

BY SENATOR HORN

WHEREAS, IT IS THE POLICY OF THE WASHINGTON STATE LEGISLATURE TO RECOGNIZE AND HONOR THE CONTRIBUTIONS OF INDIVIDUALS AND ORGANIZATIONS THAT REFLECT STANDARDS OF EXCELLENCE AND ENHANCE THE WELL-BEING AND QUALITY OF LIFE OF THE CITIZENS OF THE STATE OF WASHINGTON; AND

WHEREAS, TOASTMASTERS INTERNATIONAL IS A LEADING MOVEMENT IN MAKING EFFECTIVE ORAL COMMUNICATION A NATIONAL AND INTERNATIONAL REALITY FOR ALL PERSONS; AND

WHEREAS, TOASTMASTERS INTERNATIONAL, THROUGH ITS MEMBER TOASTMASTER CLUBS, HELPS MEN AND WOMAN OF ALL AGES LEARN THE ART OF SPEAKING, LISTENING AND THINKING, VITAL SKILLS THAT PROMOTE SELF-ACTUALIZATION, ENHANCE LEADERSHIP POTENTIAL, FOSTER HUMAN UNDERSTANDING AND CONTRIBUTE TO THE BETTERMENT OF ALL MANKIND; AND

WHEREAS, TOASTMASTERS INTERNATIONAL, THROUGH ITS MEMBER TOASTMASTER CLUBS, PROVIDES A MUTUALLY SUPPORTIVE AND POSITIVE LEARNING ENVIRONMENT IN WHICH EVERY MEMBER HAS THE OPPORTUNITY TO DEVELOP THE COMMUNICATION AND LEADERSHIP SKILLS WHICH FOSTER SELF-CONFIDENCE AND PERSONAL GROWTH; AND

WHEREAS, TOASTMASTERS INTERNATIONAL MEMBER TOASTMASTER CLUBS USUALLY MEET EACH WEEK FOR ONE TO TWO HOURS AND USUALLY CONTAIN THREE MAIN ELEMENTS: PREPARED SPEECHES, IMPROMPTU SPEECHES, AND EVALUATIONS OF SPEECHES WHICH PROVIDE FEEDBACK ON THE POSITIVE ASPECTS OF THE SPEECHES AND FRIENDLY SUGGESTIONS FOR IMPROVEMENT; AND

WHEREAS, TOASTMASTERS INTERNATIONAL, THROUGH ITS MEMBER TOASTMASTER CLUBS, BENEFITS INDIVIDUALS, COMPANIES, COMMUNITIES AND COUNTRIES BY PROVIDING POTENTIAL LEADERS IN ALL WALKS OF LIFE, THE SKILLS, DISCIPLINE, AND CONFIDENCE NEEDED TO SUCCEED; AND

WHEREAS, TOASTMASTERS INTERNATIONAL CURRENTLY HAS OVER 8,000 MEMBER TOASTMASTER CLUBS WORLDWIDE MADE UP OF APPROXIMATELY 170,000 MEMBERS WITH OVER 3,400 MEMBERS IN THE STATE OF WASHINGTON, AND IS GROWING BY APPROXIMATELY TWO HUNDRED AND FIFTY NEW MEMBERS WORLDWIDE EACH DAY;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE HONOR THE TOASTMASTERS INTERNATIONAL, AND ITS MEMBER TOASTMASTER CLUBS, FOR THE CONTRIBUTIONS IT HAS PROVIDED THE CITIZENS OF THIS STATE; AND

BE IT FURTHER RESOLVED, THAT THE WEEK OF JANUARY 29, 2001, THROUGH FEBRUARY 2, 2001, BE RECOGNIZED AS TOASTMASTER WEEK AND THAT ALL PERSONS BE ENCOURAGED TO PARTICIPATE IN THE BENEFICIAL PROGRAMS TOASTMASTERS INTERNATIONAL PROVIDES THROUGH ITS MEMBER TOASTMASTER CLUBS; AND

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE IMMEDIATELY TRANSMITTED BY THE SECRETARY OF THE SENATE TO KAREN EVONS, DISTINGUISHED TOASTMASTER, PAST DISTRICT GOVERNOR, TOASTMASTERS INTERNATIONAL, WASHINGTON STATE TOASTMASTERS.

SENATORS HORN, HOCHSTATTER, STEVENS AND HONEYFORD SPOKE TO SENATE RESOLUTION 2001-8607.

INTRODUCTION OF SPECIAL GUESTS

THE PRESIDENT PRO TEMPORE INTRODUCED MEMBERS OF TOASTMASTERS INTERNATIONAL, WHO WERE SEATED IN THE GALLERY.

APPOINTMENT TO MEMORIAL SERVICE COMMITTEE

PURSUANT TO HOUSE CONCURRENT RESOLUTION No. 4403, ADOPTED JANUARY 31, 2001, THE PRESIDENT PRO TEMPORE APPOINTED SENATORS SNYDER, FRANKLIN, JOHNSON AND DECCIO TO JOIN FOUR MEMBERS FROM THE HOUSE OF REPRESENTATIVES TO ACT AS A JOINT COMMITTEE TO ARRANGE FOR THE MEMORIAL SERVICE PLANNED FOR FEBRUARY 15, 2001.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE COMMITTEE APPOINTMENTS WERE CONFIRMED.

MOTION

AT 11:41 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 12:00 NOON, MONDAY, FEBRUARY 5, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

TWENTY-SIXTH DAY, FEBRUARY 2, 2001

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**NOTICE:** FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

**TWENTY-NINTH DAY**

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**NOON SESSION**  
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SENATE CHAMBER, OLYMPIA, MONDAY, FEBRUARY 5, 2001

THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT PRO TEMPORE FRANKLIN. NO ROLL CALL WAS TAKEN.

**MOTION**

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

**REPORTS OF STANDING COMMITTEES**

JANUARY 31, 2001

**SB 5108** PRIME SPONSOR, SENATOR T. SHELDON: MODIFYING PROVISIONS RELATING TO THE GROWING OF SHORT-ROTATION HARDWOOD TREES ON AGRICULTURAL LAND. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER, SPANEL AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 1, 2001

**SB 5235** PRIME SPONSOR, SENATOR PRENTICE: OUTLINING REQUIREMENTS FOR THE OPERATION OF A PACE PROGRAM IN WASHINGTON STATE. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5235 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; BENTON, DECCIO, FAIRLEY, FRANKLIN, HOCHSTATTER, HONEYFORD, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 1, 2001

**SB 5238** PRIME SPONSOR, SENATOR PATTERSON: MODIFYING THE BOARD OF COMMISSIONERS OF A WATER-SEWER DISTRICT. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5238 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, KLINE AND McCASLIN.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 1, 2001

**SB 5319** PRIME SPONSOR, SENATOR HAUGEN: CHANGING PROVISIONS RELATING TO THE MUNICIPAL RESEARCH COUNCIL. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5319 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; HALE, HAUGEN, HORN, KLINE, McCASLIN AND ROACH.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 2, 2001

SB 5393 PRIME SPONSOR, SENATOR LONG: REVISING PROVISIONS RELATING TO TRUANCY RECORDS. REPORTED BY  
COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR;  
CARLSON, FRANKLIN, HEWITT, KASTAMA, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

MESSAGE FROM STATE OFFICE

WASHINGTON STATE BOARD OF EDUCATION  
OLD CAPITOL BUILDING  
P.O. BOX 47206  
OLYMPIA, WASHINGTON 98504-7206

DATE: JANUARY 25, 2001  
TO: WASHINGTON STATE LEGISLATURE  
FROM: GARY GAINER, PRESIDENT  
STATE BOARD OF EDUCATION  
RE: STATUTORY REPORT ON HIGH SCHOOL GRADUATION REQUIREMENTS

I AM PLEASED TO SUBMIT THIS REPORT TO THE LEGISLATURE IN COMPLIANCE WITH THE PROVISIONS OF RCW  
28A.230.090 (2).

STATE MINIMUM HIGH SCHOOL GRADUATION REQUIREMENTS ARE AN IMPORTANT AND FUNDAMENTAL ELEMENT OF THE  
STATE'S ON-GOING EDUCATION REFORM EFFORT. THE STATE BOARD IS PROUD OF BOTH THE OPEN PROCESS IT CONDUCTED TO  
REVIEW THE EXISTING STATE MINIMUM GRADUATION REQUIREMENTS AND THE OPPORTUNITIES IT PROVIDED FOR PUBLIC INPUT  
PRIOR TO ADOPTION OF THE NEW REQUIREMENTS IN OCTOBER 2000 (EFFECTIVE FALL 2004 FOR STUDENTS BEGINNING THE NINTH  
GRADE THAT SCHOOL YEAR). THE STATE BOARD OF EDUCATION BELIEVES THAT THE NEW GRADUATION REQUIREMENTS STRIKE A  
RESPONSIBLE BALANCE BETWEEN STATE INTERESTS AND THE NEED OF SCHOOL DISTRICTS FOR FLEXIBILITY AND LOCAL CONTROL.

IF YOU HAVE QUESTIONS OR NEED ADDITIONAL INFORMATION, PLEASE DO NOT HESITATE TO CONTACT ME OR LARRY  
DAVIS, THE STATE BOARD'S EXECUTIVE DIRECTOR, AT (360) 753-6715, (360) 586-2357 (FAX), OR  
"LDAVIS@OSPI.WEDNET.EDU."

INTRODUCTION AND FIRST READING

SB 5812 BY SENATORS HARGROVE AND HOCHSTATTER

AN ACT RELATING TO THE EMPLOYMENT OF FOOD SERVICE INDUSTRY TRAINEES AT LESS THAN MINIMUM  
WAGE; AND AMENDING RCW 49.46.060.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5813 BY SENATORS HONEYFORD, RASMUSSEN, DECCIO, MCCASLIN, HALE, CONSTANTINE, SHEAHAN, HEWITT, WINSLEY,  
PRENTICE AND KOHL-WELLES

AN ACT RELATING TO THE SALE OF WINE FOR OFF-PREMISES CONSUMPTION; AND ADDING A NEW SECTION TO  
CHAPTER 66.24 RCW.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5814 BY SENATORS HONEYFORD, T. SHELDON, MORTON, RASMUSSEN, HOCHSTATTER, SWECKER, HEWITT, B. SHELDON  
AND HALE

AN ACT RELATING TO CLARIFYING THE ABILITY TO CHANGE THE PURPOSE OF GROUND WATER WITHDRAWALS;  
AND AMENDING RCW 90.44.100.  
REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

**SB 5815** BY SENATORS PRENTICE, WINSLEY, SNYDER, HONEYFORD AND RASMUSSEN (BY REQUEST OF LIQUOR CONTROL BOARD)

AN ACT RELATING TO PAYMENT OF AGENCY COMMISSIONS FOR AGENCY LIQUOR VENDOR STORES; AND AMENDING RCW 66.08.026.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

**SB 5816** BY SENATORS HALE, HEWITT, THIBAudeau, HARGROVE, DECCIO, RASMUSSEN AND KOHL-WELLES

AN ACT RELATING TO SERVICES FOR THE DEAF AND HARD OF HEARING; CREATING A NEW SECTION; AND MAKING AN APPROPRIATION.  
REFERRED TO COMMITTEE ON WAYS AND MEANS.

**SB 5817** BY SENATORS THIBAudeau AND DECCIO (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

AN ACT RELATING TO TECHNICAL CORRECTIONS TO CHAPTERS 79 AND 80, LAWS OF 2000; AND AMENDING RCW 48.20.025, 48.41.030, 48.41.100, 48.41.110, 48.43.005, 48.43.012, 48.43.015, 48.43.018, 48.43.025, 48.44.017, 48.46.062, AND 70.47.060.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

**SB 5818** BY SENATORS PATTERSON AND McDONALD (BY REQUEST OF OFFICE OF FINANCIAL MANAGEMENT)

AN ACT RELATING TO REPORTS TO THE LEGISLATURE; AMENDING RCW 34.05.328, 43.20B.030, 43.79.460, 43.88.110, 74.09.310, 74.09.320, AND 84.33.200; AND REPEALING RCW 15.58.420, 17.21.350, 43.41.220, 43.41.230, 43.88.510, 71.36.020, AND 82.08.0201.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

**SB 5819** BY SENATORS KOHL-WELLES, SHEAHAN, FRANKLIN, SHIN, JACOBSEN, McAULIFFE AND THIBAudeau

AN ACT RELATING TO THE COLLEGE AWARENESS PROJECT; ADDING A NEW CHAPTER TO TITLE 28B RCW; CREATING A NEW SECTION; AND MAKING APPROPRIATIONS.  
REFERRED TO COMMITTEE ON HIGHER EDUCATION.

**SB 5820** BY SENATORS KASTAMA, HALE, FRASER, FAIRLEY, REGALA, KOHL-WELLES, SWECKER, PRENTICE, HEWITT, McAULIFFE, CONSTANTINE, EIDE, T. SHELDON, JOHNSON, McCASLIN, PATTERSON, THIBAudeau, SNYDER, OKE, HORN, DECCIO, RASMUSSEN, WINSLEY, HARGROVE, BENTON, HONEYFORD, ROSSI, B. SHELDON, CARLSON, SHIN, McDONALD, KLINE, HAUGEN, SHEAHAN, COSTA, ZARELLI, ROACH, WEST, HOCHSTATTER, JACOBSEN, LONG, MORTON, SPANEL, PARLETTE, FRANKLIN AND STEVENS

AN ACT RELATING TO MEDICAL ASSISTANCE FOR BREAST AND CERVICAL CANCER TREATMENT FOR LOW-INCOME WOMEN; REENACTING AND AMENDING RCW 74.09.510; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

**SB 5821** BY SENATORS KOHL-WELLES, DECCIO AND RASMUSSEN

AN ACT RELATING TO WAGE INCREASE FOR DIRECT CARE WORKERS IN LONG-TERM CARE SERVICE; ADDING A NEW SECTION TO CHAPTER 74.39A RCW; AND ADDING A NEW SECTION TO CHAPTER 71A.12 RCW.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

**SB 5822** BY SENATOR JACOBSEN

AN ACT RELATING TO SUPERVISORS AT THE DEPARTMENT OF NATURAL RESOURCES; AND AMENDING RCW 43.30.020.  
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

**SB 5823** BY SENATOR McAULIFFE (BY REQUEST OF ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION)

AN ACT RELATING TO REPEALING STUDENT IMPROVEMENT GOALS; REPEALING RCW 28A.655.050; AND PROVIDING AN EFFECTIVE DATE.  
REFERRED TO COMMITTEE ON EDUCATION.

SB 5824 BY SENATOR SWECKER

AN ACT RELATING TO AUTHORIZING TRIBAL-STATE COMPACTS IN WHICH THE STATE RETROCEDES FROM MOTOR FUEL TAX FOR FUEL SOLD OR DISTRIBUTED BY A TRIBAL GOVERNMENT, A TRIBALLY OWNED ENTERPRISE, OR A TRIBALLY LICENSED BUSINESS; ADDING NEW SECTIONS TO CHAPTER 82.36 RCW; ADDING A NEW SECTION TO CHAPTER 82.38 RCW; AND REPEALING RCW 82.36.450 AND 82.38.310.  
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 5825 BY SENATORS FINKBEINER, JACOBSEN, McDONALD, SHIN, McCASLIN, HORN AND PRENTICE

AN ACT RELATING TO USE OF RESOURCE LANDS FOR ACTIVE RECREATION; AND AMENDING RCW 36.70A.020 AND 36.70A.060.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5826 BY SENATORS KOHL-WELLES, PRENTICE AND WINSLEY (BY REQUEST OF UNIVERSITY OF WASHINGTON)

AN ACT RELATING TO COLLECTIVE BARGAINING FOR UNIVERSITY OF WASHINGTON EMPLOYEES WHO ARE ENROLLED IN ACADEMIC PROGRAMS; ADDING A NEW SECTION TO CHAPTER 41.56 RCW; AND DECLARING AN EMERGENCY.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5827 BY SENATOR McCASLIN

AN ACT RELATING TO ENFORCEMENT OF JUDGMENTS; AND AMENDING RCW 6.17.020.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5828 BY SENATORS HORN, PATTERSON, ROACH AND HAUGEN

AN ACT RELATING TO STATE BUILDING CODES; AND AMENDING RCW 19.27.031.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5829 BY SENATORS PRENTICE, PATTERSON AND SWECKER

AN ACT RELATING TO COOPERATIVE ACTIVITIES BY LOCAL GOVERNMENTS; AMENDING RCW 70.44.450; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5830 BY SENATORS THIBAudeau, WINSLEY, OKE, KLINE, KASTAMA, T. SHELDON, EIDE, PRENTICE, SNYDER, ZARELLI, SWECKER, WEST AND RASMUSSEN

AN ACT RELATING TO PARTICIPATING IN INSURANCE PLANS AND CONTRACTS BY SEPARATED PLAN 2 MEMBERS OF CERTAIN RETIREMENT SYSTEMS; AMENDING RCW 41.05.011; REENACTING AND AMENDING RCW 41.05.011; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN EXPIRATION DATE.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5831 BY SENATORS SWECKER, FAIRLEY, OKE, CONSTANTINE, REGALA, RASMUSSEN AND HOCHSTATTER

AN ACT RELATING TO THE USE OF BODY-GRIPPING TRAPS AS THEY APPLY TO MOLES, GOPHERS, AND MOUNTAIN BEAVERS; AND AMENDING RCW 77.15.192 AND 77.15.194.  
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 5832 BY SENATOR HAUGEN

AN ACT RELATING TO ENABLING COUNTIES PLANNING UNDER CHAPTER 36.70A RCW TO CREATE NINE LOTS IN A SHORT SUBDIVISION WITHIN A DESIGNATED URBAN GROWTH AREA; AND AMENDING RCW 58.17.020.

REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

**SB 5833** BY SENATORS COSTA, THIBAudeau, PATTERSON, PARLETTE, DECCIO, JACOBSEN, KOHL-WELLES AND OKE

AN ACT RELATING TO LEGISLATIVE HEARINGS ON INITIATIVES AND REFERENDUMS; AMENDING RCW 42.17.130 AND 42.52.180; AND ADDING A NEW SECTION TO CHAPTER 29.79 RCW.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

**SB 5834** BY SENATORS HALE, HAUGEN AND KOHL-WELLES (BY REQUEST OF SECRETARY OF STATE REED)

AN ACT RELATING TO ELECTION CERTIFICATION AND TRAINING; CREATING A NEW SECTION; MAKING APPROPRIATIONS; AND DECLARING AN EMERGENCY.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

**SB 5835** BY SENATORS FINKBEINER, THIBAudeau, WINSLEY, McAULIFFE, COSTA, HONEYFORD, McCASLIN, KOHL-WELLES, PRENTICE, KLINE, BENTON AND OKE

AN ACT RELATING TO THE EMERGENCY ADMINISTRATION OF EPINEPHRINE; AND AMENDING RCW 18.73.250.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

**SB 5836** BY SENATORS FAIRLEY, OKE, DECCIO, B. SHELDON, WINSLEY, THIBAudeau, KLINE, ROACH, PRENTICE, CONSTANTINE, COSTA AND KOHL-WELLES

AN ACT RELATING TO COMMUNITY HEALTH CENTER FACILITIES; AMENDING RCW 70.37.020 AND 70.37.090; ADDING NEW SECTIONS TO CHAPTER 70.37 RCW; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON WAYS AND MEANS.

**SB 5837** BY SENATORS T. SHELDON, SWECKER, SPANEL, SNYDER AND OKE

AN ACT RELATING TO STATE OYSTER RESERVE LANDS; AMENDING RCW 79.96.110, 43.84.092, AND 43.84.092; ADDING NEW SECTIONS TO CHAPTER 77.60 RCW; REPEALING RCW 79.96.090; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN EXPIRATION DATE.  
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

**SB 5838** BY SENATORS McAULIFFE, FINKBEINER, KASTAMA, WINSLEY, CARLSON, PARLETTE, MORTON, HORN, OKE, WEST, DECCIO, HEWITT AND RASMUSSEN (BY REQUEST OF GOVERNOR LOCKE AND SUPERINTENDENT OF PUBLIC INSTRUCTION BERGESON)

AN ACT RELATING TO IMPROVING STUDENT ACHIEVEMENT; ADDING NEW SECTIONS TO CHAPTER 28A.900 RCW; ADDING A NEW CHAPTER TO TITLE 28A RCW; REPEALING RCW 28A.150.010, 28A.150.020, 28A.150.030, 28A.150.040, 28A.150.050, 28A.150.060, 28A.150.070, 28A.150.080, 28A.150.100, 28A.150.200, 28A.150.205, 28A.150.210, 28A.150.211, 28A.150.220, 28A.150.230, 28A.150.240, 28A.150.250, 28A.150.260, 28A.150.270, 28A.150.275, 28A.150.280, 28A.150.290, 28A.150.295, 28A.150.300, 28A.150.305, 28A.150.350, 28A.150.360, 28A.150.370, 28A.150.380, 28A.150.390, 28A.150.400, 28A.150.410, 28A.150.420, 28A.150.500, 28A.150.510, 28A.155.010, 28A.155.020, 28A.155.030, 28A.155.040, 28A.155.050, 28A.155.060, 28A.155.070, 28A.155.080, 28A.155.090, 28A.155.100, 28A.155.105, 28A.155.115, 28A.155.140, 28A.155.160, 28A.160.010, 28A.160.020, 28A.160.030, 28A.160.040, 28A.160.050, 28A.160.060, 28A.160.070, 28A.160.080, 28A.160.090, 28A.160.100, 28A.160.110, 28A.160.115, 28A.160.120, 28A.160.130, 28A.160.140, 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, 28A.160.190, 28A.160.195, 28A.160.200, 28A.160.210, 28A.165.010, 28A.165.012, 28A.165.030, 28A.165.040, 28A.165.050, 28A.165.060, 28A.165.070, 28A.165.080, 28A.165.090, 28A.175.010, 28A.180.010, 28A.180.020, 28A.180.030, 28A.180.040, 28A.180.060, 28A.180.080, 28A.185.010, 28A.185.020, 28A.185.030, 28A.185.040, 28A.190.010, 28A.190.020, 28A.190.030, 28A.190.040, 28A.190.050, 28A.190.060,

28A.193.005, 28A.193.010, 28A.193.020, 28A.193.030, 28A.193.040, 28A.193.050, 28A.193.060, 28A.193.070, 28A.193.080, 28A.193.900, 28A.193.901, 28A.195.010, 28A.195.020, 28A.195.030, 28A.195.040, 28A.195.050, 28A.195.060, 28A.195.070, 28A.195.080, 28A.200.010, 28A.200.020, 28A.205.010, 28A.205.020, 28A.205.030, 28A.205.040, 28A.205.050, 28A.205.070, 28A.205.080, 28A.205.090, 28A.210.010, 28A.210.020, 28A.210.030, 28A.210.040, 28A.210.060, 28A.210.070, 28A.210.080, 28A.210.090, 28A.210.100, 28A.210.110, 28A.210.120, 28A.210.130, 28A.210.140, 28A.210.150, 28A.210.160, 28A.210.170, 28A.210.180, 28A.210.190, 28A.210.200, 28A.210.210, 28A.210.220, 28A.210.240, 28A.210.250, 28A.210.260, 28A.210.270, 28A.210.280, 28A.210.290, 28A.210.300, 28A.210.310, 28A.215.010, 28A.215.020, 28A.215.030, 28A.215.040, 28A.215.050, 28A.215.100, 28A.215.110, 28A.215.120, 28A.215.130, 28A.215.140, 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, 28A.215.190, 28A.215.200, 28A.215.900, 28A.215.904, 28A.215.906, 28A.215.908, 28A.220.010, 28A.220.020,



28A.600.200, 28A.600.210, 28A.600.220, 28A.600.230, 28A.600.240, 28A.600.300, 28A.600.310, 28A.600.320, 28A.600.330, 28A.600.340, 28A.600.350, 28A.600.360, 28A.600.370, 28A.600.380, 28A.600.385, 28A.600.390, 28A.600.400, 28A.600.410, 28A.600.415, 28A.600.420, 28A.600.455, 28A.600.460, 28A.600.475, 28A.605.010, 28A.605.020, 28A.605.030, 28A.620.010, 28A.620.020, 28A.623.010, 28A.623.020, 28A.623.030, 28A.625.010, 28A.625.020, 28A.625.030, 28A.625.042, 28A.625.050, 28A.625.100, 28A.625.110, 28A.625.150, 28A.625.200, 28A.625.210, 28A.625.220, 28A.625.230, 28A.625.240, 28A.625.350, 28A.625.360, 28A.625.370, 28A.625.380, 28A.625.390, 28A.625.900, 28A.630.400, 28A.630.810, 28A.630.820, 28A.630.825, 28A.630.830, 28A.630.835, 28A.630.840, 28A.630.845, 28A.630.850, 28A.630.853, 28A.630.881, 28A.635.010, 28A.635.020, 28A.635.030, 28A.635.040, 28A.635.050, 28A.635.060, 28A.635.070, 28A.635.080, 28A.635.090, 28A.635.100, 28A.635.110, 28A.635.120, 28A.640.010, 28A.640.020, 28A.640.030, 28A.640.040, 28A.640.050, 28A.640.900, 28A.645.010, 28A.645.020, 28A.645.030, 28A.645.040, 28A.650.005, 28A.650.010, 28A.650.015, 28A.650.020, 28A.650.025, 28A.650.030, 28A.650.035, 28A.650.040, 28A.690.010, 28A.690.020, 28A.690.030, 28A.900.030, 28A.900.040, 28A.900.050, 28A.900.060, 28A.900.070, 28A.900.080, 28A.900.100, 28A.900.101, 28A.900.102, 28A.900.103, AND 28A.900.105; PROVIDING EFFECTIVE DATES; AND PROVIDING EXPIRATION DATES.

REFERRED TO COMMITTEE ON EDUCATION.

**SB 5839** BY SENATORS ROACH AND BENTON

AN ACT RELATING TO NEW REFERENCES FOR THE STATE BUILDING CODE; AND AMENDING RCW 19.27.031.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

**SB 5840** BY SENATORS HOCHSTATTER AND BENTON

AN ACT RELATING TO GROWTH MANAGEMENT; AMENDING RCW 36.70A.010, 36.70A.020, 36.70A.030, 36.70A.050, 36.70A.060, 36.70A.070, 36.70A.110, 36.70A.130, 36.70A.140, 36.70A.160, 36.70A.210, 36.70A.350, 36.70A.370, 36.70A.390, 36.70B.010, 36.70B.020, 36.70B.040, 36.70B.060, 36.70B.070, 36.70B.120, 36.70B.130, 36.70B.140, 36.70B.160, AND 36.70B.170; REENACTING AND AMENDING RCW 36.70B.110; ADDING NEW SECTIONS TO CHAPTER 36.70A RCW; CREATING A NEW SECTION; REPEALING RCW 36.70B.030 AND 36.70B.080; REPEALING 1998 C 286 S 9 AND 1995 C 347 S 411 (UNCODIFIED); AND DECLARING AN EMERGENCY.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

**SB 5841** BY SENATORS PATTERSON, McCASLIN, GARDNER, SHEAHAN, T. SHELDON, DECCIO, HAUGEN, WINSLEY AND HOCHSTATTER

AN ACT RELATING TO ESTABLISHING A SCHEDULE FOR REVIEW OF COMPREHENSIVE PLANS AND DEVELOPMENT REGULATIONS ADOPTED UNDER THE GROWTH MANAGEMENT ACT; AMENDING RCW 36.70A.130; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

**SB 5842** BY SENATORS COSTA, LONG, KOHL-WELLES, CARLSON, ZARELLI, FRANKLIN, HARGROVE AND RASMUSSEN

AN ACT RELATING TO PROTECTION ORDERS FOR UNLAWFUL HARASSMENT; AMENDING RCW 10.14.020; AND REENACTING AND AMENDING RCW 10.14.040.  
REFERRED TO COMMITTEE ON JUDICIARY.

**SB 5843** BY SENATORS COSTA, LONG, CARLSON, ZARELLI, FRANKLIN, HARGROVE, RASMUSSEN AND OKE

AN ACT RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR ANY DRUG; AMENDING RCW 46.61.502, 46.61.504, 46.61.524, 9.94A.360, AND 9.94A.650; REENACTING AND AMENDING RCW 46.61.5055 AND 9.94A.320; AND PRESCRIBING PENALTIES.  
REFERRED TO COMMITTEE ON JUDICIARY.

**SB 5844** BY SENATORS McAULIFFE, CARLSON, FRANKLIN, HEWITT, KASTAMA, HAUGEN, PATTERSON, ZARELLI, FAIRLEY, OKE, FRASER, DECCIO, CONSTANTINE, LONG, KLINE, PARLETTE, THIBAUDEAU, HONEYFORD, HOCHSTATTER, SPANEL, RASMUSSEN, WINSLEY AND KOHL-WELLES

AN ACT RELATING TO TRAFFIC SAFETY EDUCATION; AMENDING RCW 28A.220.030 AND 28A.220.900; AND ADDING A NEW SECTION TO CHAPTER 28A.220 RCW.

REFERRED TO COMMITTEE ON EDUCATION.

SB 5845 BY SENATORS FRASER, COSTA, LONG, WINSLEY AND KOHL-WELLES

AN ACT RELATING TO THE SITING AND OVERSIGHT OF FACILITIES FOR THE TREATMENT AND HOUSING OF SEXUALLY VIOLENT PREDATORS; AMENDING RCW 71.09.020 AND 36.70A.200; ADDING NEW SECTIONS TO CHAPTER 71.09 RCW; CREATING A NEW SECTION; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY.

REFERRED TO COMMITTEE ON HUMAN SERVICES AND CORRECTIONS.

SB 5846 BY SENATORS FRASER, T. SHELDON AND KOHL-WELLES

AN ACT RELATING TO PROHIBITING CHARGES FOR LONG-DISTANCE TELECOMMUNICATIONS SERVICES AFTER THE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE HAS BEEN CANCELED; AND ADDING A NEW SECTION TO CHAPTER 80.36 RCW.

REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

SB 5847 BY SENATORS FRASER AND PRENTICE

AN ACT RELATING TO SENDING A NOTICE OF DISHONOR TO THE DRAWER OF A CHECK; AND AMENDING RCW 62A.3-522.

REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5848 BY SENATORS FRANKLIN, WINSLEY, PRENTICE, BENTON, FAIRLEY, SHIN, REGALA, KLINE, RASMUSSEN, PATTERSON, COSTA, MCAULIFFE AND FRASER

AN ACT RELATING TO LOW-COST HOUSING FOR LOW-INCOME BUYERS; ADDING A NEW SECTION TO CHAPTER 82.04 RCW; ADDING A NEW SECTION TO CHAPTER 82.08 RCW; ADDING A NEW SECTION TO CHAPTER 82.12 RCW; ADDING A NEW SECTION TO CHAPTER 82.45 RCW; AND ADDING A NEW SECTION TO CHAPTER 82.46 RCW.

REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SJM 8012 BY SENATORS FRASER, MORTON, REGALA, McDONALD, HONEYFORD, PATTERSON, RASMUSSEN, HALE, WINSLEY, OKE AND KOHL-WELLES

REQUESTING A REDUCTION OF WHOLESALE ENERGY COSTS.

REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SJM 8013 BY SENATORS FRASER, ROSSI, SNYDER, HONEYFORD, BROWN, PATTERSON, KOHL-WELLES, KLINE, MCAULIFFE, SWECKER, PRENTICE, SHIN, LONG, T. SHELDON, HARGROVE, COSTA, HEWITT, SPANEL, THIBAudeau, REGALA, JACOBSEN, FRANKLIN, OKE, SHEAHAN, FINKBEINER, STEVENS, ZARELLI, MORTON, RASMUSSEN, HALE, ROACH, WINSLEY, JOHNSON AND HOCHSTATTER

REQUESTING CONGRESS TO RESTORE THE SALES TAX DEDUCTION FOR FEDERAL INCOME TAXES.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

SJR 8213 BY SENATORS McCASLIN AND HALE

AMENDING THE CONSTITUTION TO PROVIDE FOR ELECTION OF SUPREME COURT JUSTICES FROM THREE JUDICIAL DISTRICTS.

REFERRED TO COMMITTEE ON JUDICIARY.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL No. 5836 WAS REFERRED TO THE COMMITTEE ON WAYS AND MEANS.

MOTION

AT 12:02 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 12:00 NOON, TUESDAY, FEBRUARY 6, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

TWENTY-NINTH DAY, FEBRUARY 5, 2001

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**THIRTIETH DAY**

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**NOON SESSION**  
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Senate Chamber, Olympia, Tuesday, February 6, 2001

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

**MOTION**

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

**REPORTS OF STANDING COMMITTEES**

February 1, 2001

SB 5036 Prime Sponsor, Senator Franklin: Providing a temporary tax exemption for clothing and footwear. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5036 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Referred to Committee on Ways and Means.

February 5, 2001

SB 5077 Prime Sponsor, Senator Haugen: Modifying the provisional employment of sheriff's employees. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5077 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5159 Prime Sponsor, Senator Winsley: Authorizing four-year public institutions of higher education to participate with the state in investing surplus funds. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5166 Prime Sponsor, Senator Kohl-Welles: Allowing state financial aid to be used at Washington branch campuses of accredited out-of-state institutions of higher education. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5166 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 5, 2001

SB 5188 Prime Sponsor, Senator McCaslin: Providing an alternative manner of dispersing surplus political funds. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Kline, McCaslin, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 1, 2001

SB 5206 Prime Sponsor, Senator Gardner: Modifying geologist licensing provisions. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Benton, Deccio, Fairley, Franklin, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 1, 2001

SB 5219 Prime Sponsor, Senator Eide: Modifying contracts for the sale of travel-related benefits. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5219 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5370 Prime Sponsor, Senator Patterson: Splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Hale, Haugen, Kline, T. Sheldon and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Fairley, Vice Chair; Horn, McCaslin and Roach.

Referred to Committee on Ways and Means.

February 5, 2001

SB 5793 Prime Sponsor, Senator Thibaudeau: Creating the holding company act for health care service contractors and health maintenance organizations. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That the bill be referred to Committee on Labor, Commerce and Financial Institutions without recommendation. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser and Winsley.

Referred to Committee on Labor, Commerce and Financial Institutions.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5036 and Senate Bill No. 5166 were referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 5, 2001

GA 9001 JEAN BATCHELDER, appointed September 10, 1997, for a term ending September 30, 2002, as a member of the Board of Trustees for Lake Washington Technical College District No. 26.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9003 BRIAN BENZEL, appointed June 1, 1999, for a term ending September 30, 2002, as a member of the Board of Trustees for Edmonds Community College District No. 23.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9006 PAUL D. BURTON, reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Shoreline Community College District No. 7.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9007 JUDITH BUTLER, reappointed July 9, 1999, for a term ending March 26, 2003, as a member of the Higher Education Facilities Authority.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9012 FRANKLIN DAY DeVAUL, JR., appointed January 18, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Centralia Community College District No. 12.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9017 ELIZABETH HANCOCK, appointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Skagit Valley Community College District No. 4.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9022 ARUN G. JHAVERI, appointed October 14, 1998, for a term ending September 30, 2003, as a member of the Board of Trustees for Highline Community College District No. 9.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9025 BARBARA A. KOERBER, reappointed October 1, 1999, for a term ending September 30, 2004, as a member of the Board of Trustees for Peninsula Community College District No. 1.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9032 ESTHER L. PATRICK, appointed December 22, 1999, for a term ending September 30, 2002, as a member of the Board of Trustees for Highline Community College District No. 9.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 5, 2001

GA 9082 JOE KING, reappointed August 8, 2000, for a term ending September 30, 2006, as a member of the Board of Regents for Washington State University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Jacobsen, McAuliffe and B. Sheldon.

Passed to the Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 5849 by Senators Gardner, Patterson, Winsley, McDonald and Kohl-Welles (by request of Secretary of State Reed)

AN ACT Relating to changing the date of the primary; amending RCW 29.13.070, 29.13.010, 29.13.020, 29.15.020, 29.15.150, 29.15.170, 29.15.180, 29.15.190, 29.15.230, 29.19.030, 29.24.020, 29.30.075, 29.62.020, 42.12.040, 42.17.710, 42.52.185, 27.12.355, 27.12.370, 35.06.070, 35.13.1821,

35.61.360, 35A.14.299, 36.93.030, 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070, 57.04.050, and 70.44.235; repealing RCW 29.01.160; and providing an effective date.  
Referred to Committee on State and Local Government.

SB 5850 by Senators Snyder, Jacobsen, Hargrove, T. Sheldon and Spanel

AN ACT Relating to the consideration of extenuating circumstances for gear and effort reduction for the coastal Dungeness crab resource plan provisions; amending RCW 77.70.400; and creating a new section.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5851 by Senators Rasmussen and Franklin (by request of Department of Agriculture)

AN ACT Relating to authorizing the director of agriculture to consult with public entities on human health risks associated with any proposed pesticide use by the department; amending RCW 15.58.060 and 15.58.065; and adding a new section to chapter 15.58 RCW.  
Referred to Committee on Agriculture and International Trade.

SB 5852 by Senators Franklin, Kline, Costa and Kohl-Welles

AN ACT Relating to reporting on issues pertaining to racial profiling; adding new sections to chapter 43.101 RCW; and creating a new section.  
Referred to Committee on Judiciary.

SB 5853 by Senators Franklin and Kline

AN ACT Relating to traffic-stop racial profiling; adding a new section to chapter 43.101 RCW; and creating a new section.  
Referred to Committee on Judiciary.

SB 5854 by Senators T. Sheldon and Swecker

AN ACT Relating to annual increases in retirement allowances; and amending RCW 41.40.197 and 41.32.489.  
Referred to Committee on Ways and Means.

SB 5855 by Senators Carlson, T. Sheldon, Winsley, Fraser and Swecker

AN ACT Relating to calculating gain sharing; and amending RCW 41.31.020.  
Referred to Committee on Ways and Means.

SB 5856 by Senators T. Sheldon, Winsley, Fraser, Swecker and Carlson

AN ACT Relating to making extraordinary investment gain sharing on an annual basis; amending RCW 41.31.010, 41.31A.020, 41.31A.020, and 41.31A.040; providing effective dates; and providing an expiration date.  
Referred to Committee on Ways and Means.

SB 5857 by Senators Eide, Thibaudeau, Deccio and Kohl-Welles

AN ACT Relating to forecasting caseloads; and amending RCW 43.88C.010.  
Referred to Committee on Ways and Means.

SB 5858 by Senators B. Sheldon, Swecker, Kohl-Welles, Oke, T. Sheldon, Carlson, Rasmussen, Horn, Sheahan, Stevens, Honeyford, Hale and Johnson

AN ACT Relating to the taxation of physical fitness services; amending RCW 82.04.050; creating a new section; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5859 by Senators Gardner and Carlson

AN ACT Relating to preserving the blanket primary by advancing to the general election ballot the two candidates receiving the most votes regardless of political party affiliation; amending RCW 29.30.085, 29.15.150, 29.15.160, 29.15.170, 29.15.190, 29.15.210, 29.15.220, 29.27.020, 29.30.101, 29.42.010, 29.42.020, 29.42.050, and 29.62.010; and repealing RCW 29.15.200, 29.15.230, 29.18.150, 29.18.160, and 29.30.095.

Referred to Committee on State and Local Government.

SB 5860 by Senators Jacobsen and Oke (by request of Department of Natural Resources)

AN ACT Relating to surface mining reclamation permit fees; and amending RCW 78.44.085.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5861 by Senators Fraser, Swecker and T. Sheldon (by request of Department of Natural Resources)

AN ACT Relating to the exchange or sale and replacement of administrative property owned by the department of natural resources; and adding a new section to chapter 76.01 RCW.  
Referred to Committee on State and Local Government.

SB 5862 by Senators T. Sheldon, Oke and Jacobsen (by request of Department of Natural Resources)

AN ACT Relating to improving the business practices associated with selling valuable materials on trust land; amending RCW 79.01.084, 79.01.116, 79.01.124, 79.01.132, 79.01.160, 79.01.184, 79.01.188, 79.01.204, 79.01.232, 79.01.240, 79.01.340, 79.01.392, 79.01.795, 79.64.030, 79.64.040, and 79.64.050; and adding a new section to chapter 79.01 RCW.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5863 by Senators Snyder and Zarelli (by request of Department of Natural Resources)

AN ACT Relating to an exchange of bedlands and the resolution of boundary disputes in and near the Cowlitz river near the confluence of the Columbia river in Longview, Washington; adding a new section to chapter 79.08 RCW; and creating a new section.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5864 by Senator T. Sheldon

AN ACT Relating to payment of costs of primaries; adding new sections to chapter 29.18 RCW; and creating a new section.  
Referred to Committee on State and Local Government.

SB 5865 by Senators Kline, Long, Kohl-Welles, Sheahan, Patterson, Finkbeiner, Constantine, Oke and Carlson

AN ACT Relating to vehicle immobilization; adding a new section to chapter 46.55 RCW; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 5866 by Senators Kline, Long and Costa

AN ACT Relating to the admissibility of confessions and admissions in criminal and juvenile offense proceedings; adding a new section to chapter 10.58 RCW; and creating a new section.  
Referred to Committee on Judiciary.

SB 5867 by Senators Fairley, Finkbeiner, Jacobsen, Kohl-Welles, Fraser, Regala, Kline, Kastama, Winsley and Patterson

AN ACT Relating to the restoration of investments in energy conservation, renewable energy resources, and low-income energy services; adding a new chapter to Title 80 RCW; and prescribing penalties.

Referred to Committee on Environment, Energy and Water.

SB 5868 by Senators Kohl-Welles, Finkbeiner, Costa, Kline, Zarelli, Hargrove, Thibaudeau, Franklin and Kastama

AN ACT Relating to cable subscriber information practices; adding a new chapter to Title 19 RCW; and prescribing penalties.  
Referred to Committee on Economic Development and Telecommunications.

SB 5869 by Senators Fraser, Morton, Regala, McDonald, Jacobsen, Swecker and Horn (by request of Governor Locke)

AN ACT Relating to water resources management; amending RCW 90.82.040, 90.82.130, 90.03.380, 90.80.005, 90.80.010, 90.80.050, 90.80.070, 90.80.080, 90.80.090, 90.80.100, 90.80.120, 90.80.130, 90.80.140, 90.03.330, 90.66.040, 90.66.060, 90.14.140, 90.38.020, 90.38.040, 90.42.040, and 90.42.080; adding new sections to chapter 90.80 RCW; adding a new section to chapter 90.03 RCW; adding new sections to chapter 90.66 RCW; adding a new section to chapter 82.16 RCW; creating new sections; prescribing penalties; and declaring an emergency.  
Referred to Committee on Environment, Energy and Water.

SB 5870 by Senators Spanel, Horn, McCaslin, Snyder, Patterson and Kohl-Welles

AN ACT Relating to clarifying the deadline for primary contributions to candidates who do not advance to the general election; and amending RCW 42.17.640.  
Referred to Committee on State and Local Government.

SB 5871 by Senators Kohl-Welles and Hewitt

AN ACT Relating to offender education in department of corrections' facilities; amending RCW 72.09.460; adding a new section to chapter 72.09 RCW; and creating new sections.  
Referred to Committee on Human Services and Corrections.

SB 5872 by Senators Prentice, Kohl-Welles, Kline and Fairley

AN ACT Relating to the property tax exemption for new or rehabilitated multiple-unit dwellings; and amending RCW 84.14.020, 84.14.030, and 84.14.110.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5873 by Senators Patterson, Horn, Haugen, McCaslin, Kline, Fairley and Gardner

AN ACT Relating to revising certain day labor limits to account for inflation; and amending RCW 35.22.620 and 35.23.352.  
Referred to Committee on State and Local Government.

SB 5874 by Senator Sheahan

AN ACT Relating to the student transportation funding formula; and amending RCW 28A.160.180.  
Referred to Committee on Education.

SB 5875 by Senators T. Sheldon and Stevens (by request of Department of Social and Health Services)

AN ACT Relating to telecommunications devices and services for the hearing or speech impaired; and amending RCW 43.20A.720 and 43.20A.725.  
Referred to Committee on Economic Development and Telecommunications.

SB 5876 by Senators Snyder, Hargrove and Kohl-Welles

AN ACT Relating to the establishment of a medicaid managed care contracting pilot project; reenacting and amending RCW 74.09.522; creating a new section; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5877 by Senators Thibaudeau, Winsley, Costa and Kohl-Welles

AN ACT Relating to licensed mental health counselors, marriage and family therapists, and social workers; amending RCW 18.120.020, 18.130.040, 5.60.060, 18.100.050, 18.205.090, 25.05.510, 25.15.045, and 48.43.087; reenacting and amending RCW 9A.44.010; adding a new section to chapter 70.02 RCW; adding a new chapter to Title 18 RCW; and repealing RCW 18.19.010, 18.19.020, 18.19.030, 18.19.040, 18.19.050, 18.19.060, 18.19.070, 18.19.080, 18.19.090, 18.19.100, 18.19.110, 18.19.120, 18.19.130, 18.19.140, 18.19.150, 18.19.160, 18.19.170, 18.19.180, 18.19.190, 18.19.900, and 18.19.901.  
Referred to Committee on Health and Long-Term Care.

SB 5878 by Senators Oke and Haugen

AN ACT Relating to wheel load limits for nonliftable steering axles on refuse collection vehicles; and amending RCW 46.44.042.  
Referred to Committee on Transportation.

SB 5879 by Senator Prentice

AN ACT Relating to regulating fire alarm systems; adding a new chapter to Title 19 RCW; and prescribing penalties.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5880 by Senators Jacobsen, Oke, T. Sheldon, Morton, Stevens and Rasmussen

AN ACT Relating to a forest products commission; amending RCW 42.17.31907 and 43.135.055; and adding a new chapter to Title 15 RCW.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5881 by Senators Haugen, Long, Kline, Kohl-Welles, Prentice and Constantine

AN ACT Relating to capital defense assistance; adding a new section to chapter 2.70 RCW; and making appropriations.  
Referred to Committee on Judiciary.

SB 5882 by Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette

AN ACT Relating to safety and health rules related to musculoskeletal disorders; amending RCW 49.17.040 and 49.17.050; and creating a new section.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5883 by Senators Patterson, Constantine, Kline, Fraser and Regala

AN ACT Relating to incorporating water supply and growth management planning; amending RCW 43.62.035 and 90.82.070; reenacting and amending RCW 90.54.050; adding a new section to chapter 43.62 RCW; adding a new section to chapter 36.70A RCW; and creating a new section.  
Referred to Committee on State and Local Government.

SB 5884 by Senators Jacobsen, Oke, Regala, Roach, Prentice, Horn, Kline, Finkbeiner, Haugen, Swecker and Rasmussen

AN ACT Relating to a legislative task force on local park and recreation maintenance and operations; creating new sections; providing an expiration date; and declaring an emergency.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5885 by Senators Hewitt, Sheahan, Hargrove, Long, T. Sheldon, McCaslin, Morton and Rasmussen

AN ACT Relating to establishing parameters for the siting, securing, and staffing of less restrictive alternative housing for sexually violent predators; amending RCW 71.09.020; adding new sections to chapter 71.09 RCW; adding a new section to chapter 18.155 RCW; creating a new section; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

MOTION

At 12:02 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 10:00 a.m., Wednesday, February 7, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTIETH DAY, FEBRUARY 6, 2001

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**THIRTY-FIRST DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Wednesday, February 7, 2001

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

The Sergeant at Arms Color Guard consisting of Pages Marshal Prewitt and Cody Wyles, presented the Colors. Reverend Paul Lundborg, pastor of the Lutheran Church of the Good Shepherd in Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 6, 2001

SB 5015 Prime Sponsor, Senator Morton: Modifying the definition of border area. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5015 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5017 Prime Sponsor, Senator Franklin: Regulating sale of larger quantities of ephedrine and derivatives. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5017 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5019 Prime Sponsor, Senator Jacobsen: Allowing the governor to limit outdoor burning. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5019 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5091 Prime Sponsor, Senator Haugen: Regulating ferry queues. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Eide, Finkbeiner, Jacobsen, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5138 Prime Sponsor, Senator Morton: Increasing the weight of vehicles exempted from scale stops. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Benton, Eide, Finkbeiner, Horn, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5154 Prime Sponsor, Senator Kline: Creating the Washington state civil rights act of 2001. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5154 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kline, Chair; Johnson, Kastama, McCaslin, Roach and Zarelli.

Referred to Committee on Ways and Means.

February 6, 2001

SB 5175 Prime Sponsor, Senator Kline: Providing procedures for enforcement of court-ordered restitution obligations in courts of limited jurisdiction. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5175 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5180 Prime Sponsor, Senator Costa: Modifying provisions pertaining to the certification of peace officers. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5180 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

Referred to Committee on Ways and Means.

February 6, 2001

SB 5241 Prime Sponsor, Senator Johnson: Changing provisions relating to venue. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5241 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5252 Prime Sponsor, Senator McCaslin: Expanding venue for local courts during emergencies and when the defendant appears electronically from a location outside the district. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5253 Prime Sponsor, Senator McCaslin: Increasing civil jury fees. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5260 Prime Sponsor, Senator Kline: Requiring a notation in the driving record when a driver is required to use an ignition interlock or other biological or technical device. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5298 Prime Sponsor, Senator Jacobsen: Promoting wildlife viewing. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5299 Prime Sponsor, Senator Jacobsen: Allowing nonconsumptive wildlife activities on public lands. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Oke and Snyder.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5308 Prime Sponsor, Senator Constantine: Making technical corrections to chapter 19.28 RCW, electricians and electrical installations. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Deccio, Fairley, Franklin, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5348 Prime Sponsor, Senator Costa: Updating the uniform child custody jurisdiction and enforcement act. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5368 Prime Sponsor, Senator Long: Making child support technical amendments regarding medical support. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5369 Prime Sponsor, Senator Kline: Revising provisions for jurisdiction in child support matters. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5369 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5373 Prime Sponsor, Senator Sheahan: Changing mandatory arbitration of civil actions. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5388 Prime Sponsor, Senator Kastama: Modifying penalties for the sale or gift of drug paraphernalia. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Costa, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 6, 2001

SB 5426 Prime Sponsor, Senator Patterson: Authorizing a filing fee surcharge for funding county law libraries. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, McCaslin and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senator Zarelli.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5438 Prime Sponsor, Senator Jacobsen: Giving the fish and wildlife commission rule-making authority over the fish and wildlife vehicle use permit program. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5438 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, McDonald, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 5, 2001

SB 5484 Prime Sponsor, Senator Hargrove: Providing a limited sales tax exemption for certain sales of conifer seeds. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Referred to Committee on Ways and Means.

February 6, 2001

SB 5590 Prime Sponsor, Senator Prentice: Authorizing the electronic filing of corporation and limited liability company annual reports. Reported by Committee on Judiciary

MAJORITY Recommendation: That the bill be referred to Committee on Labor, Commerce and Financial Institutions without recommendation. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Referred to Committee on Labor, Commerce and Financial Institutions.

#### INTRODUCTION AND FIRST READING

SB 5886 by Senators Long and Hargrove

AN ACT Relating to the number of experts or professional persons who must examine a person for the state under chapter 10.77 RCW; amending RCW 10.77.060; and creating a new section.  
Referred to Committee on Human Services and Corrections.

SB 5887 by Senators Kohl-Welles, West and Sheahan (by request of University of Washington)

AN ACT Relating to clarifying ethics requirements for officers and employees of institutions of higher education with regard to sponsored research and technology transfer agreements; amending RCW 42.52.030 and 42.52.120; and creating a new section.  
Referred to Committee on Higher Education.

SB 5888 by Senators Gardner, Spanel and Honeyford

AN ACT Relating to the qualifications of a legal newspaper; and amending RCW 65.16.020.  
Referred to Committee on State and Local Government.

SB 5889 by Senators Jacobsen and Constantine

AN ACT Relating to shoreline master plans; and adding a new section to chapter 90.58 RCW.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5890 by Senator Jacobsen

AN ACT Relating to shoreline management; and creating a new section.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5891 by Senator Jacobsen

AN ACT Relating to shoreline management improvement; and creating a new section.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5892 by Senators Patterson, McCaslin, Brown, Sheahan, Horn, Haugen and Gardner (by request of Secretary of State Reed)

AN ACT Relating to local government records; amending RCW 36.22.175; adding a new section to chapter 36.22 RCW; repealing 1996 c 245 s 2 (uncodified); providing an effective date; and declaring an emergency.  
Referred to Committee on State and Local Government.

SB 5893 by Senators McCaslin, Haugen, Sheahan, Horn and Gardner (by request of Secretary of State Reed)

AN ACT Relating to local government records; amending RCW 36.22.175; providing an effective date; and declaring an emergency.  
Referred to Committee on State and Local Government.

SB 5894 by Senators Patterson and Rossi

AN ACT Relating to the taxation of lodging; and amending RCW 82.04.050.  
Referred to Committee on Ways and Means.

SB 5895 by Senators Swecker and Hochstatter

AN ACT Relating to small scale prospecting and mining; amending RCW 77.55.100; and creating a new section.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5896 by Senators Constantine, Kline, Hargrove, Costa, Thibaudeau, Kohl-Welles and Regala

AN ACT Relating to DNA testing of evidence; adding new sections to chapter 10.73 RCW; creating new sections; and providing an expiration date.  
Referred to Committee on Judiciary.

SB 5897 by Senators Rasmussen, Shin, Parlette, Hale, Hewitt and Kohl-Welles

AN ACT Relating to international marketing of agriculture; creating new sections; and making appropriations.  
Referred to Committee on Agriculture and International Trade.

SB 5898 by Senators Prentice, Fairley and Costa

AN ACT Relating to cause for eviction under the landlord-tenant act; and amending RCW 59.18.180.  
Referred to Committee on Judiciary.

SB 5899 by Senators T. Sheldon, Morton, Oke, B. Sheldon, Honeyford, Eide, Rasmussen and Haugen

AN ACT Relating to water right place of use and purpose of use for expanding public water systems; and amending RCW 90.03.386.

Referred to Committee on Environment, Energy and Water.

SB 5900 by Senators T. Sheldon, Morton, Oke, B. Sheldon, Honeyford and Eide

AN ACT Relating to beneficial use of municipal water supplies; and amending RCW 90.03.330.

Referred to Committee on Environment, Energy and Water.

SB 5901 by Senators B. Sheldon, Hale, Oke, Morton, Honeyford, Eide and T. Sheldon

AN ACT Relating to eliminating certain restrictions on water system interties; and amending RCW 90.03.383.

Referred to Committee on Environment, Energy and Water.

SB 5902 by Senators Rasmussen, Sheahan, Hochstatter and Snyder

AN ACT Relating to agricultural commodity commissions; amending RCW 15.66.030, 15.66.110, 15.66.140, 15.65.040, 15.65.230, 15.65.280, and 43.03.230; adding new sections to chapter 15.65 RCW; and adding new sections to chapter 15.66 RCW.

Referred to Committee on Agriculture and International Trade.

SB 5903 by Senators Winsley, Franklin, Costa and Thibaudeau

AN ACT Relating to increasing the license surcharge for the impaired physician program; and amending RCW 18.71.310.

Referred to Committee on Health and Long-Term Care.

SB 5904 by Senators Morton and Rasmussen

AN ACT Relating to conservation district elections; amending RCW 29.13.020, 89.08.020, 89.08.110, and 89.08.190; and declaring an emergency.

Referred to Committee on State and Local Government.

SB 5905 by Senators Prentice, Swecker and Winsley

AN ACT Relating to the negotiation, enforcement, and resolution of disputes regarding tribal/state gaming compacts under the federal Indian gaming regulatory act of 1988; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5906 by Senators Rasmussen, Finkbeiner, McAuliffe, Eide, Regala, Kastama, Hewitt, Hochstatter and Kohl-Welles

AN ACT Relating to technology planning for public schools; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

SB 5907 by Senators Rasmussen, Winsley, Franklin, Deccio and Regala

AN ACT Relating to physical therapist assistants; amending RCW 18.74.010, 18.74.020, 18.74.040, 18.74.060, 18.74.070, 18.74.090, and 18.74.120; and adding new sections to chapter 18.74 RCW.

Referred to Committee on Health and Long-Term Care.

SB 5908 by Senator Fraser

AN ACT Relating to whether changes in agricultural production are changes in purpose of use; amending RCW 90.03.380; and declaring an emergency.

Referred to Committee on Environment, Energy and Water.

SB 5909 by Senators Fraser, Regala, Spanel and Thibaudeau

AN ACT Relating to financial responsibility requirements for vessels and facilities; amending RCW 88.40.011, 88.40.020, 88.40.025, and 88.40.040; and creating new sections.  
Referred to Committee on Environment, Energy and Water.

SB 5910 by Senators Fraser and Honeyford

AN ACT Relating to temporary nonuse of water by the owner of a water right; amending RCW 90.14.140 and 90.42.080; and declaring an emergency.  
Referred to Committee on Environment, Energy and Water.

SB 5911 by Senator Fraser

AN ACT Relating to functions and certification of certified water rights examiners; amending RCW 90.03.330; and adding a new section to chapter 90.03 RCW.  
Referred to Committee on Environment, Energy and Water.

SB 5912 by Senators Fraser, Morton, Regala, Patterson, Oke, Kohl-Welles and Haugen

AN ACT Relating to energy facilities; amending RCW 80.50.100, 80.50.030, 90.48.262, 90.48.160, 90.48.260, and 82.12.022; adding a new section to chapter 82.16 RCW; adding a new section to chapter 80.50 RCW; adding new sections to chapter 80.52 RCW; adding a new chapter to Title 80 RCW; creating a new section; recodifying RCW 80.50.160, 80.50.300, and 80.50.310; repealing RCW 80.50.010, 80.50.020, 80.50.030, 80.50.040, 80.50.060, 80.50.071, 80.50.075, 80.50.080, 80.50.090, 80.50.100, 80.50.105, 80.50.110, 80.50.120, 80.50.130, 80.50.140, 80.50.150, 80.50.175, 80.50.180, 80.50.190, 80.50.900, 80.50.901, 80.50.902, 80.50.903, and 80.50.904; prescribing penalties; making appropriations; providing effective dates; providing expiration dates; and declaring an emergency.  
Referred to Committee on Environment, Energy and Water.

SB 5913 by Senator Fraser

AN ACT Relating to a public utility tax deduction for expenditures that implement conservation elements of approved water system plans; adding a new section to chapter 82.16 RCW; and creating a new section.  
Referred to Committee on Environment, Energy and Water.

SB 5914 by Senator Fraser

AN ACT Relating to conditions for transfer, change, or amendment of water rights established as family farm permits; amending RCW 90.66.040 and 90.66.060; and adding new sections to chapter 90.66 RCW.  
Referred to Committee on Environment, Energy and Water.

SB 5915 by Senators Patterson and Regala

AN ACT Relating to wetlands mitigation projects; amending RCW 90.82.070; adding a new section to chapter 90.74 RCW; and creating a new section.  
Referred to Committee on Environment, Energy and Water.

SB 5916 by Senators Parlette, Haugen, B. Sheldon, Oke, T. Sheldon, Morton, Hewitt and Kohl-Welles

AN ACT Relating to vehicular offenses within roadway construction zones; and amending RCW 9.94A.390.  
Referred to Committee on Judiciary.

SB 5917 by Senators Prentice, Winsley, Benton, Rasmussen and Gardner

AN ACT Relating to worker rights under industrial insurance; amending RCW 51.14.100, 51.28.010, 51.28.020, 51.28.080, and 51.36.010; creating a new section; and providing an effective date. Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5918 by Senators Spanel, Winsley, Kohl-Welles and Gardner

AN ACT Relating to real estate excise taxes; and adding a new section to chapter 82.46 RCW. Referred to Committee on Ways and Means.

SJM 8014 by Senators Prentice, Winsley, Costa, Deccio, Thibaudeau, B. Sheldon, Fairley, Franklin, Shin, Rasmussen, Regala, Kastama, Patterson, Hochstatter, Gardner, Haugen, Honeyford, Constantine, Jacobsen, McAuliffe, Oke and Kohl-Welles

Requesting improvement to employment and training services for disabled persons.

Referred to Committee on Labor, Commerce and Financial Institutions.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5894 and Senate Bill No. 5918 were referred to the Committee on Ways and Means.

#### MOTION

At 10:09 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:37 a.m. by President Owen.

#### SECOND READING

SENATE BILL NO. 5717, by Senators Brown, T. Sheldon, Fraser, Regala, Kline, Franklin, Winsley, Kohl-Welles, Shin, McAuliffe, Spanel, Costa, B. Sheldon and Rasmussen.

Funding the low-income energy assistance program

#### MOTIONS

On motion of Senator Brown, Substitute Senate Bill No. 5717 was substituted for Senate Bill No. 5717 and the substitute bill was placed on second reading and read the second time.

Senator Honeyford moved that the following amendment be adopted:

On page 2, after line 20, insert the following:

**"NEW SECTION. Sec. 3.** The legislature finds that the people of Washington are now in the middle of a severe energy crisis resulting from lower than normal rainfall and snowpack and forces outside the control of the citizens of our state. Tight reserves of water and power are predicted throughout the winter and prices are expected to increase dramatically. Many low-income and elderly citizens will be forced to choose between the costs of their own electricity and purchasing food or other necessities. The legislature declares an emergency under the provisions of RCW 43.135.035(3)(a) for the purpose of providing financial assistance to low-income persons under the low-income home energy assistance program.

**NEW SECTION. Sec. 4.** Moneys collected during fiscal year 2001 and fiscal year 2002 under RCW 82.16.020(1) exceeding one hundred five percent of the average annual revenues collected under RCW 82.16.020(1) for the preceding three fiscal years, or as much thereof as may be necessary, are appropriated from the general fund to the department of community, trade, and economic development for the low-income home energy assistance program."

Renumber the remaining section consecutively and correct any internal references accordingly.

Debate ensued.

Senator Sheahan demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the roll call on the adoption of the amendment by Senator Honeyford on page 2, after line 20, to Substitute Senate Bill No. 5717.

#### ROLL CALL

The Secretary called the roll and the amendment was not adopted by the following vote: Yeas, 23; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 23

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Roach, Sheldon, B, Sheldon, T., Shin, Snyder, Spanel and Thibaudeau - 26

#### PERSONAL PRIVILEGE

Senator Benton: "A point of personal privilege, Mr. President. I rise to remind the members of this chamber that the previous speaker on this amendment from the Thirty-fourth District has caused us a tremendous amount of pain and suffering with his shrill rhetoric on the floor of this august body. Many of the senior members of this chamber are not accustomed to such pain and suffering. We know that his dribbling inconsistencies of his previous comments will certainly improve--we hope-- with his longevity in this august body. In lieu of a much deserved apology, we would accept a gift from the Senator from the Thirty-fourth District. With that, we ask you to please sit on your hands for a while and learn some of the customs of this chamber before you put us through this terrible pain and suffering with your shrill rhetoric in the future. Thank you."

#### PERSONAL PRIVILEGE

Senator Kline: "A point of personal privilege, Mr. President. I heard a very loud noise in back of me. It came from the general direction of the new member from the Thirty-fourth. In that screeching level of noise was verbiage. Now, verbiage is an ancient legalese word that means 'words.' I, too, suffered greatly. I feel that maybe a lesson needs to be learned here. Not only a lesson by our esteemed new member from the Thirty-fourth, but the pain and suffering that our other new members, just recently referred to, has been inflicted upon all of us. This is a lesson on how the liability system works. We have been subjected to pain and suffering; we need retribution.

"Now, I would notice, by the way, for the benefit of the good member from the Fourth District that in the Thirty-Fourth, there are many, many good delicatessens with edible things. One of them is the great Bratwurst at the Husky Delicatessen. I am sure that the new member from the Thirty-fourth knows where the Husky is, because I saw him near there the other day. I bet that he would be willing to satisfy our need for retribution in Bratwurst. Thank you, Mr. President."

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. The body has suffered greatly from the last two speeches. If anyone should give out gifts, the last two speakers should. However, being a senior citizen on the floor, I know how to handle things and Senator Constantine, it is a pleasure to have you in this body. I think you are probably one of the brightest stars that has ever been elected. Hey, if you are going to kiss up, do a good job of it! I think, and you have my permission, instead of forty-nine gifts, make it forty-seven and skip Senator Kline and Senator Benton. I think everyone on the floor will respect you for that. Welcome!"

#### PERSONAL PRIVILEGE

Senator Carlson: "A point of personal privilege, Mr. President. As one who seriously overlooked the fiftieth person, I did want to point out to my esteemed Senior Senator--Senior Citizen Senator--that one should not overlook the President of the Senate when you are considering a possible retribution."

#### PERSONAL PRIVILEGE

Senator Deccio: "A point of personal privilege, Mr. President. I would like to advise the gentlemen who apologized to Senator McCaslin. Don't do that, because you will open up Pandora's box and you will never be able to close it."

#### PERSONAL PRIVILEGE

Senator Constantine: "Thank you, Mr. President. A point of personal privilege. I rise today to thank the gentleman from the Fourth District and the immediate previous speaker--the only two members who are still here from my first internship in Olympia. Of course, the President, as well. To the Senator from the Seventeenth District, I do want to say that I do not intend my speeches to be any less painful in the future. But, if you wanted to address compensation for pain and suffering in the state of Washington, please come talk to me and we can take care of it before the end of the legislative session.

"I have, Mr. President, been shopping the district, diligently, for the last couple of weeks and I wanted to assure all the members that recompense will be made promptly, though not before the weekend, for my grievous acts here on the floor today. Thank you all for making me feel at home."

#### MOTION

On motion of Senator Brown, the rules were suspended, Substitute Senate Bill No. 5717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

#### POINT OF INQUIRY

Senator Sheahan: "Senator Snyder, today, we are taking a small step together to bring relief to some of our neighbors that are the hardest hit by the energy crisis. However, what we do today is just a temporary fix. We all know that one of the areas of concern that created this crisis is the lack of energy generating capacity in this state. Today is the thirty-first day of the session. Our session is almost one-third over and we have used up sixty percent of the time that we have allotted to work on Senate Bills. Senator Morton has a bill, Senate Bill No. 5550, waiting in committee to increase capacity immediately by raising the EFSC threshold from two hundred fifty to six hundred fifty megawatts. Several existing facilities could increase generating capacity now to meet the needs of our neighbors who are demanding bipartisan solutions to the crisis. This is a fix we can do immediately. Senator, will you commit to moving Senate Bill No. 5550 to the floor--and if so, when? Time is of the essence."

Senator Snyder: "Thank you. We have a lot of problems in front of us and particularly with energy. We have a lot of bills that have been introduced. I think the Chairman of the Energy Committee has a lot of bills scheduled. I don't know if the one you are talking about in particular has been scheduled. I will certainly have conversations and see if we can schedule those bills.

"I think we are all interested in moving forward in a bipartisan way and trying to get more energy on line in the state of Washington. We all know that we are in a critical situation. I had a conversation earlier in the week--some of these large suppliers of energy in the state of Washington are going to be out of money before the summer is over. They are going to be in need of borrowing money to buy this high priced electricity until we can get through to the fall when there are some new allocations coming from Bonneville. So, I think we are going to look at all aspects of how we can alleviate the energy crisis, including the one that you are talking about.

"I won't make any commitment when we are going to get anything to the floor. As you well know, we are in the hearings; we are in the process of hearing bills in committee now. This is the first bill of any substance that we have passed this session. I think it is about the normal procedure that we are moving through here and I will commit to you and all the members on the floor that we will give every consideration to every bill that we think is going to help to alleviate the energy crisis in the state of Washington."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 5717.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5717 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Constantine, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Patterson, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

SUBSTITUTE SENATE BILL NO. 5717, having received the constitutional majority was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 12:21 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon., Thursday, February 8, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-FIRST DAY, FEBRUARY 7, 2001

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**THIRTY-SECOND DAY**

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**NOON SESSION**  
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SENATE CHAMBER, OLYMPIA, THURSDAY, FEBRUARY 8, 2001

THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT OWEN. NO ROLL CALL WAS TAKEN.

**MOTION**

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

**REPORTS OF STANDING COMMITTEES**

FEBRUARY 6, 2001

**SB 5002** PRIME SPONSOR, SENATOR ROACH: REGARDING HEIGHT RESTRICTIONS ON AMATEUR RADIO ANTENNAS. REPORTED BY COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

MAJORITY RECOMMENDATION: THAT THE BILL BE REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT WITHOUT RECOMMENDATION. SIGNED BY SENATORS T. SHELDON, CHAIR; B. SHELDON, VICE CHAIR; FAIRLEY, FINKBEINER, HAUGEN, McCASLIN, ROSSI AND STEVENS.

REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

FEBRUARY 7, 2001

**SB 5011** PRIME SPONSOR, SENATOR STEVENS: REDUCING PROPERTY VALUES BY AMOUNTS SPENT ON CERTAIN FEES. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT THE BILL BE REFERRED TO COMMITTEE ON WAYS AND MEANS WITHOUT RECOMMENDATION. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN, KLINE, McCASLIN AND T. SHELDON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 7, 2001

**SB 5058** PRIME SPONSOR, SENATOR GARDNER: PROTECTING RECORDS OF STRATEGY DISCUSSIONS. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN AND McCASLIN.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

**SB 5076** PRIME SPONSOR, SENATOR HAUGEN: AUTHORIZING USE OF CREDIT CARDS FOR FERRY FARES AND RESERVATIONS. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5076 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; BENTON, EIDE, FINKBEINER, HORN, JACOBSEN, JOHNSON, KASTAMA, McAULIFFE, OKE, PATTERSON, PRENTICE, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 6, 2001

SB 5082 PRIME SPONSOR, SENATOR HAUGEN: DEFINING RURAL COUNTIES FOR PURPOSES OF SALES AND USE TAX FOR PUBLIC FACILITIES IN RURAL COUNTIES. REPORTED BY COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS T. SHELDON, CHAIR; B. SHELDON, VICE CHAIR; FAIRLEY, FINKBEINER, HAUGEN AND McCASLIN.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 6, 2001

SB 5094 PRIME SPONSOR, SENATOR T. SHELDON: AUTHORIZING SALES AND USE TAX EXEMPTIONS FOR CALL CENTERS. REPORTED BY COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5094 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS T. SHELDON, CHAIR; B. SHELDON, VICE CHAIR; FINKBEINER, HAUGEN, McCASLIN AND STEVENS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 7, 2001

SB 5112 PRIME SPONSOR, SENATOR COSTA: APPLYING CHILD RESTRAINT SYSTEM LAWS TO CHILDREN UP TO EIGHT YEARS OF AGE OR EIGHTY POUNDS. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5112 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; BENTON, JACOBSEN, JOHNSON, KASTAMA, McAULIFFE, OKE, PATTERSON, PRENTICE, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5113 PRIME SPONSOR, SENATOR COSTA: REGULATING MOTORIZED SCOOTERS. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5113 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; EIDE, FINKBEINER, JACOBSEN, KASTAMA, McAULIFFE, OKE, PATTERSON, PRENTICE, SHIN AND SWECKER.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS BENTON AND HORN.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5133 PRIME SPONSOR, SENATOR FAIRLEY: REQUIRING SELLER DISCLOSURE OF WATER INFILTRATION. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN, KLINE, McCASLIN, ROACH AND T. SHELDON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5223 PRIME SPONSOR, SENATOR GARDNER: FUNDING SAFETY AUDITS OF RAIL FIXED GUIDEWAY SYSTEMS. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; EIDE, HORN, JACOBSEN, KASTAMA, McAULIFFE, OKE, PATTERSON, PRENTICE, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5225 PRIME SPONSOR, SENATOR GARDNER: IMPROVING THE EFFECTIVENESS OF THE COMMUTE TRIP REDUCTION PROGRAM. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; EIDE, FINKBEINER, HORN, KASTAMA, MCAULIFFE, OKE, PATTERSON, PRENTICE, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5227 PRIME SPONSOR, SENATOR HAUGEN: MODIFYING NOTICE REQUIREMENTS. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; BENTON, EIDE, FINKBEINER, HORN, JACOBSEN, JOHNSON, KASTAMA, MCAULIFFE, OKE, PATTERSON, PRENTICE, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5237 PRIME SPONSOR, SENATOR RASMUSSEN: MAKING ANNUAL TRANSFERS OF MONEY INTO THE FAIR FUND. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER AND SWECKER.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 6, 2001

SB 5289 PRIME SPONSOR, SENATOR T. SHELDON: EXPANDING THE DEFINITION OF "PUBLIC FACILITIES" FOR PURPOSES OF THE USE OF CERTAIN REVENUES IN RURAL COUNTIES. REPORTED BY COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS T. SHELDON, CHAIR; B. SHELDON, VICE CHAIR; FAIRLEY, FINKBEINER, HAUGEN, MCCASLIN AND ROSSI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5305 PRIME SPONSOR, SENATOR CONSTANTINE: CORRECTING OUTDATED REFERENCES AND DOUBLE AMENDMENTS. REPORTED BY COMMITTEE ON TRANSPORTATION

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HAUGEN, CHAIR; GARDNER, VICE CHAIR; BENTON, EIDE, FINKBEINER, HORN, JACOBSEN, JOHNSON, KASTAMA, MCAULIFFE, OKE, PATTERSON, PRENTICE, SHIN AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 6, 2001

SB 5317 PRIME SPONSOR, SENATOR PRENTICE: CLARIFYING HOURS AND WAGES FOR EDUCATIONAL EMPLOYEE COMPENSATION CLAIMS. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; BENTON, FRANKLIN, HOCHSTATTER, HONEYFORD, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5496 PRIME SPONSOR, SENATOR RASMUSSEN: REDUCING THE TAX ON HEALTH PRODUCTS FOR ANIMALS. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER AND SWECKER.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 5, 2001

SB 5594 PRIME SPONSOR, SENATOR GARDNER: CONSOLIDATING HOUSING AUTHORITIES. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; DECCIO, FAIRLEY, FRANKLIN, HONEYFORD, RASMUSSEN, REGALA AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5599 PRIME SPONSOR, SENATOR ROACH: DESIGNATING AN OFFICIAL STATE MAMMAL. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN, McCASLIN, ROACH AND T. SHELDON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SB 5613 PRIME SPONSOR, SENATOR RASMUSSEN: CREATING THE SMALL FARM DIRECT MARKETING ASSISTANCE PROGRAM. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER, SPANEL AND SWECKER.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 7, 2001

SB 5807 PRIME SPONSOR, SENATOR BENTON: CHANGING THE BURDEN OF PROOF ON PROPERTY TAX APPEALS. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT THE BILL BE REFERRED TO COMMITTEE ON WAYS AND MEANS WITHOUT RECOMMENDATION: SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, KLINE, McCASLIN AND T. SHELDON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 7, 2001

SB 5825 PRIME SPONSOR, SENATOR FINKBEINER: ENCOURAGING USE OF RESOURCE LANDS FOR ACTIVE RECREATION. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT THE BILL BE REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES WITHOUT RECOMMENDATION: SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN, KLINE, McCASLIN AND T. SHELDON.

REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

FEBRUARY 7, 2001

SB 5904 PRIME SPONSOR, SENATOR MORTON: REVISING PROCEDURES FOR CONSERVATION DISTRICT ELECTIONS. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT THE BILL BE REFERRED TO COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE WITHOUT RECOMMENDATION: SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN, KLINE, MCCASLIN AND T. SHELDON.

REFERRED TO COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE.

FEBRUARY 7, 2001

SJM 8002 PRIME SPONSOR, SENATOR MCCASLIN: PETITIONING CONGRESS TO CONSENT TO THE FORMATION OF A NEW STATE. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT THE MEMORIAL BE REFERRED TO COMMITTEE ON JUDICIARY WITHOUT RECOMMENDATION: SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, KLINE, MCCASLIN AND T. SHELDON.

REFERRED TO COMMITTEE ON JUDICIARY.

FEBRUARY 6, 2001

SJM 8007 PRIME SPONSOR, SENATOR SHIN: REQUESTING A SPECIFIC DOMAIN DESIGNATION FOR INTERNET PORNOGRAPHY WEBSITES. REPORTED BY COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS T. SHELDON, CHAIR; B. SHELDON, VICE CHAIR; FAIRLEY, FINKBEINER, HAUGEN, MCCASLIN, ROSSI AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SJR 8200 PRIME SPONSOR, SENATOR STEVENS: REDUCING THE ASSESSED VALUE OF REAL ESTATE BY AMOUNTS SPENT ON CERTAIN FEES. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT THE RESOLUTION BE REFERRED TO COMMITTEE ON WAYS AND MEANS WITHOUT RECOMMENDATION: SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN, KLINE, MCCASLIN AND T. SHELDON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 6, 2001

SJR 8209 PRIME SPONSOR, SENATOR SNYDER: INVESTING STATE INVESTMENT BOARD FUNDS. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; FAIRLEY, FRANKLIN, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATOR HOCHSTATTER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 7, 2001

SCR 8406 PRIME SPONSOR, SENATOR SHIN: ENCOURAGING LEGISLATOR TRADE MISSION PARTICIPATION. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER, SPANEL AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 5082, SENATE BILL NO. 5094, SENATE BILL NO. 5237, SENATE BILL NO. 5496 AND SENATE BILL NO. 5613 WERE REFERRED TO THE COMMITTEE ON WAYS AND MEANS.

#### INTRODUCTION AND FIRST READING

SB 5919 BY SENATORS MORTON, FRASER, HONEYFORD AND RASMUSSEN

AN ACT RELATING TO THE ASSESSMENT OF POTENTIAL SITE LOCATIONS FOR WATER STORAGE PROJECTS; AMENDING RCW 90.82.070; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SB 5920 BY SENATORS CONSTANTINE, JACOBSEN AND KOHL-WELLES (BY REQUEST OF WASHINGTON STATE PARKS AND RECREATION COMMISSION)

AN ACT RELATING TO A RECORD CHECK OF THE PARKS AND RECREATION COMMISSION'S JOB APPLICANTS, VOLUNTEERS, AND INDEPENDENT CONTRACTORS; AND AMENDING RCW 79A.05.035.  
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 5921 BY SENATORS KOHL-WELLES, HORN, SHEAHAN, MCAULIFFE, WEST, MCCASLIN, CARLSON, MORTON, JACOBSEN, B. SHELDON, SHIN AND PARLETTE

AN ACT RELATING TO GRADUATE EDUCATION IN PHYSICAL THERAPY; AND ADDING A NEW SECTION TO CHAPTER 28B.35 RCW.  
REFERRED TO COMMITTEE ON HIGHER EDUCATION.

SB 5922 BY SENATORS T. SHELDON, RASMUSSEN, HONEYFORD, FRASER AND MORTON

AN ACT RELATING TO APPEALS OF WATER RIGHT DECISIONS REGARDING WATER RIGHTS SUBJECT TO A GENERAL STREAM ADJUDICATION; REENACTING AND AMENDING RCW 43.21B.110 AND 34.05.514; AND ADDING A NEW SECTION TO CHAPTER 90.03 RCW.  
REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SB 5923 BY SENATORS EIDE, FAIRLEY, PATTERSON, B. SHELDON, CONSTANTINE AND ZARELLI

AN ACT RELATING TO THE SELECTION OF RESPONSIBLE CONTRACTORS BIDDING ON PUBLIC WORKS; AND ADDING A NEW CHAPTER TO TITLE 39 RCW.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5924 BY SENATORS T. SHELDON AND SWECKER

AN ACT RELATING TO IMPOSING IMPACT FEES ON MANUFACTURING HOUSING COMMUNITIES; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5925 BY SENATORS JACOBSEN, HONEYFORD, FRASER, RASMUSSEN AND MORTON

AN ACT RELATING TO RECLAIMED WATER; AMENDING RCW 90.46.005, 90.46.010, 90.14.140, 90.03.252, AND 90.44.062; AND ADDING A NEW SECTION TO CHAPTER 90.46 RCW.  
REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SB 5926 BY SENATORS COSTA, PRENTICE, ROACH AND FAIRLEY

AN ACT RELATING TO PREVAILING WAGE CIVIL PENALTIES; AND AMENDING RCW 39.12.050, 39.12.065, AND 39.12.080.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5927 BY SENATORS COSTA, PRENTICE, FAIRLEY AND KOHL-WELLES

AN ACT RELATING TO CIVIL PENALTIES FOR PREVAILING WAGE SETTLEMENTS; AND AMENDING RCW  
39.12.065.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5928 BY SENATORS CONSTANTINE, WINSLEY, COSTA AND KOHL-WELLES (BY REQUEST OF DEPARTMENT OF FISH AND  
WILDLIFE)

AN ACT RELATING TO HUNTING SAFETY FOR CHILDREN; AND AMENDING RCW 9.41.042. REFERRED TO

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SB 5929 BY SENATORS RASMUSSEN AND HEWITT

AN ACT RELATING TO THE MERCHANDISING OF BEER AND WINE BY EMPLOYEES BETWEEN THE AGES OF EIGHTEEN AND TWENTY-ONE ON OR ABOUT A LICENSEE'S PREMISES; AND AMENDING RCW 66.44.318. REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5930 BY SENATORS PATTERSON AND HORN

AN ACT RELATING TO ALTERNATIVE PUBLIC WORKS CONTRACTING PROCEDURES; AMENDING RCW 39.10.065, 39.10.110, 39.10.115, AND 39.10.902; AMENDING 2000 C 138 S 106 (UNCODIFIED); REENACTING AND AMENDING RCW 39.10.120; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY. REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5931 BY SENATORS T. SHELDON, BENTON, SWECKER, McCASLIN, STEVENS, ZARELLI, DECCIO, JOHNSON, HOCHSTATTER, HEWITT AND SHIN

AN ACT RELATING TO THE WASHINGTON STATE GOVERNMENTAL ACCOUNTABILITY ACT OF 2001; AND CREATING NEW SECTIONS. REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 5932 BY SENATORS KOHL-WELLES, LONG, HARGROVE, KASTAMA, FRANKLIN, STEVENS AND RASMUSSEN

AN ACT RELATING TO AUDIO RECORDING OF INTERVIEWS OF CHILDREN DISCLOSING SEXUAL ABUSE; AMENDING RCW 26.44.035; AND REENACTING AND AMENDING RCW 26.44.030. REFERRED TO COMMITTEE ON JUDICIARY.

SB 5933 BY SENATORS KOHL-WELLES, THIBAudeau, DECCIO, FRASER AND COSTA

AN ACT RELATING TO REDUCING EXPOSURE IN THE HOME TO CARCINOGENS AND ALLERGENS; ADDING A NEW SECTION TO CHAPTER 43.70 RCW; AND CREATING A NEW SECTION. REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5934 BY SENATORS KOHL-WELLES, FINKBEINER, McAULIFFE, CARLSON, KASTAMA, REGALA, EIDE AND RASMUSSEN

AN ACT RELATING TO DISSEMINATING INFORMATION ON METHODS OF ATTAINING TEACHER CERTIFICATION; AND REENACTING AND AMENDING RCW 28A.410.010. REFERRED TO COMMITTEE ON EDUCATION.

SB 5935 BY SENATORS CONSTANTINE, HARGROVE, STEVENS, OKE, THIBAudeau, KLINE, SWECKER, PRENTICE, McCASLIN, ROACH AND KOHL-WELLES

AN ACT RELATING TO CIVIL FORFEITURES OF PROPERTY; AMENDING RCW 69.50.505; AND ADDING A NEW SECTION TO CHAPTER 10.105 RCW. REFERRED TO COMMITTEE ON JUDICIARY.

SB 5936 BY SENATORS PRENTICE, WINSLEY, COSTA, THIBAudeau, JACOBSEN, REGALA, GARDNER, KLINE, SPANEL, SHIN, RASMUSSEN, FRASER AND KOHL-WELLES (BY REQUEST OF DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)

AN ACT RELATING TO FUNDS FOR OPERATING AND MAINTENANCE OF LOW- INCOME HOUSING PROJECTS AND FOR INNOVATIVE HOUSING DEMONSTRATION PROJECTS; AMENDING RCW 36.18.010; ADDING A NEW SECTION TO CHAPTER 36.22 RCW; AND CREATING A NEW SECTION. REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 5937 BY SENATORS SHIN, RASMUSSEN, JACOBSEN, WINSLEY AND KOHL-WELLES (BY REQUEST OF GOVERNOR LOCKE AND SUPERINTENDENT OF PUBLIC INSTRUCTION BERGESON)

AN ACT RELATING TO THE LIMITS ON POSTRETIREMENT EMPLOYMENT FOR TEACHERS' RETIREMENT SYSTEM PLAN 1 AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN 1 RETIREES; AND AMENDING RCW 41.32.570 AND 41.40.037.  
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 5938 BY SENATORS ROACH AND KOHL-WELLES

AN ACT RELATING TO USE OF INTEGRATIVE, COMPLEMENTARY, AND ALTERNATIVE MEDICINE; AMENDING RCW 18.57.001, 18.71.010, 18.71.015, 18.130.050, 18.130.060, AND 18.130.180; ADDING A NEW SECTION TO CHAPTER 18.57 RCW; ADDING A NEW SECTION TO CHAPTER 18.71 RCW; ADDING NEW SECTIONS TO CHAPTER 18.130 RCW; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 5939 BY SENATORS ROACH, RASMUSSEN, COSTA, SHIN, KASTAMA, JACOBSEN, PATTERSON AND REGALA

AN ACT RELATING TO CRIMINAL IMPERSONATION OF A VETERAN OF THE ARMED FORCES; AMENDING RCW 9A.60.040; AND PRESCRIBING PENALTIES.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 5940 BY SENATORS REGALA, MCAULIFFE, CARLSON, KOHL-WELLES, EIDE, KASTAMA, RASMUSSEN AND FINKBEINER (BY REQUEST OF SUPERINTENDENT OF PUBLIC INSTRUCTION BERGESON)

AN ACT RELATING TO CAREER AND TECHNICAL EDUCATION; ADDING A NEW SECTION TO CHAPTER 28C.04 RCW; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON EDUCATION.

SJR 8214 BY SENATOR ROACH

AMENDING THE CONSTITUTION TO REQUIRE VOTER APPROVAL OF TAX LEVIES.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

#### MOTION

AT 12:02 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., FRIDAY, FEBRUARY 9, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

#### JOURNAL OF THE SENATE

THIRTY-SECOND DAY, FEBRUARY 8, 2001

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#### THIRTY-THIRD DAY

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, February 9, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Horn and Shin. On motion of Senator Honeyford, Senator Horn was excused.

Boy Scouts Greg Buri, Daniel Stephens, Brian Hamilton, Joshua Hansen, John Ried, Tim Mathews and Chris Lemmen, from Troop 462 in Fort Lewis, presented the Colors. Reverend Paul Lundborg, pastor of the Lutheran Church of the Good Shepherd in Olympia, offered the prayer.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 7, 2001

SB 5079 Prime Sponsor, Senator Gardner: Updating motor vehicle tax provisions. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5079 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Patterson, Prentice, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 7, 2001

SB 5114 Prime Sponsor, Senator Horn: Modifying motorcycle provisions. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5114 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 7, 2001

SB 5186 Prime Sponsor, Senator Thibaudeau: Modifying department of social and health services' family planning services. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5336 Prime Sponsor, Senator Kohl-Welles: Creating the public interest attorney loan repayment program. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5336 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Jacobsen, McAuliffe, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 8, 2001

SB 5457 Prime Sponsor, Senator Kohl-Welles: Changing liability and licensure provisions for private vocational schools. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5552 Prime Sponsor, Senator Carlson: Expanding border county higher education opportunities. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5552 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 7, 2001

SJM 8001 Prime Sponsor, Senator Franklin: Exploring the option of managing prescription drug prices through cooperative strategies with other Northwest states. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

Passed to Committee on Rules for second reading.

February 8, 2001

SJM 8010 Prime Sponsor, Senator Haugen: Requesting a memorial for Lieutenant J.G. Scott Walter Kinkele. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Joint Memorial No. 8010 be substituted therefor, and the substitute joint memorial do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Johnson, McAuliffe, McDonald, Oke, Prentice, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 8, 2001

GA 9018 KAY HARLAN, appointed August 6, 1999, for a term ending September 30, 2003, as a member of the Board of Trustees for Clover Park Technical College District No. 29. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 8, 2001

GA 9020 ARLISTA DEL HOLMAN, appointed February 3, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Green River Community College District No. 10. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 8, 2001

GA 9021 JUDITH D. HOSEA, appointed January 19, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Clover Park Technical College District No. 29. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 8, 2001

GA 9055 CAROL CARLSTAD, appointed October 3, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Grays Harbor Community College District No. 2.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 8, 2001

GA 9056 YVONNE CARTWRIGHT, appointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Bellingham Technical College District No. 25.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 8, 2001

GA 9057 LAWTON CASE, appointed July 19, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Green River Community College District No. 10.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 5941 by Senators Regala, McCaslin, Kline and Oke

AN ACT Relating to inheritance rights of parents; and amending RCW 11.04.015.  
Referred to Committee on Judiciary.

SB 5942 by Senators McAuliffe, Jacobsen and Oke

AN ACT Relating to dog guides and service animals; amending RCW 70.84.070 and 9.08.070; adding a new section to chapter 70.84 RCW; and prescribing penalties.  
Referred to Committee on Judiciary.

SB 5943 by Senators McAuliffe, McDonald, Carlson, Fairley, Oke, Rasmussen and Kohl-Welles

AN ACT Relating to school attendance of school employees' children; and adding a new section to chapter 28A.225 RCW.  
Referred to Committee on Education.

SB 5944 by Senators McAuliffe, Finkbeiner, Regala, Hochstatter, Costa, Fairley, Stevens, Oke and Rasmussen

AN ACT Relating to a civic education day; adding a new section to chapter 28A.230 RCW; creating a new section; and providing an effective date.  
Referred to Committee on Education.

SB 5945 by Senators McAuliffe, B. Sheldon, Fairley and Costa

AN ACT Relating to the authority to issue civil penalties by health districts; adding a new section to chapter 70.46 RCW; and prescribing penalties.  
Referred to Committee on Health and Long-Term Care.

SB 5946 by Senator McAuliffe

AN ACT Relating to allowing state certified appraisers to appraise school district properties; and amending RCW 28A.335.090.  
Referred to Committee on Education.

SB 5947 by Senators Rasmussen, Morton, Gardner and Honeyford

AN ACT Relating to tax exemptions and credits for dairy farmers and anaerobic digesters; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 84.36 RCW; creating a new section; and declaring an emergency.  
Referred to Committee on Agriculture and International Trade.

SB 5948 by Senators Honeyford, Rasmussen, Deccio, Hewitt, Sheahan, Morton, Parlette, Swecker, Stevens and Hochstatter

AN ACT Relating to wildlife damage claims on rangeland suitable for grazing or browsing of domestic livestock; amending RCW 77.36.005, 77.36.010, 77.36.030, 77.36.040, 77.36.050, and 77.36.080; providing an effective date; and declaring an emergency.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5949 by Senators Haugen and Swecker

AN ACT Relating to erecting and maintaining motorist information sign panels; and adding a new section to chapter 47.36 RCW.  
Referred to Committee on Transportation.

SB 5950 by Senators Patterson, Roach and Kline

AN ACT Relating to tax deferrals for multifamily housing within transit corridors; and adding a new chapter to Title 84 RCW.  
Referred to Committee on State and Local Government.

SB 5951 by Senators Prentice, Fraser, Franklin, Costa and Kline

AN ACT Relating to payment of wages; amending RCW 49.46.100, 49.48.020, 49.48.040, 49.48.060, and 49.48.070; adding a new section to chapter 49.48 RCW; creating a new section; and prescribing penalties.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5952 by Senators Eide, Carlson, Jacobsen, Patterson, Spanel, Shin, Costa, Fairley, Winsley, Thibaudeau, Prentice, Fraser, McAuliffe, Kohl-Welles, Brown, Rasmussen, Constantine, Gardner, Kline and Regala

AN ACT Relating to school district elections; amending RCW 28A.535.020, 28A.535.050, 84.52.056, and 39.36.020; repealing RCW 28A.530.020; and providing a contingent effective date.  
Referred to Committee on Education.

SB 5953 by Senators Hargrove and Eide

AN ACT Relating to written parental permission for an intermediate driver's license holder to operate a vehicle during prohibited hours; and amending RCW 46.20.075 and 43.131.398.  
Referred to Committee on Transportation.

SB 5954 by Senators Shin, Roach, Oke, Costa, Patterson, Hargrove, T. Sheldon, Hochstatter, Eide and Jacobsen

AN ACT Relating to obsolete racial terminology; amending RCW 35.22.650; adding a new section to chapter 1.20 RCW; creating new sections; providing an effective date; and declaring an emergency. Referred to Committee on State and Local Government.

SB 5955 by Senators Constantine, McCaslin, T. Sheldon, Horn, McAuliffe, Rasmussen, Johnson, Carlson, Shin, Deccio and Prentice

AN ACT Relating to theft of motor vehicle fuel; amending RCW 46.20.311, 46.20.342, and 46.63.020; adding a new section to chapter 46.61 RCW; and prescribing penalties. Referred to Committee on Judiciary.

SB 5956 by Senators Constantine, Kline, Kohl-Welles, Fairley and Thibaudeau

AN ACT Relating to first-time offender status under the sentencing reform act; and amending RCW 9.94A.650. Referred to Committee on Judiciary.

SB 5957 by Senators Hewitt and McCaslin

AN ACT Relating to specialty plumbing; and amending RCW 18.106.010, 18.106.040, 18.106.050, 18.27.070, 18.106.125, and 18.106.130. Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5958 by Senators Prentice and Winsley

AN ACT Relating to the Washington life and disability insurance guaranty association act; adding new sections to chapter 48.32A RCW; and repealing RCW 48.32A.010, 48.32A.020, 48.32A.030, 48.32A.040, 48.32A.050, 48.32A.060, 48.32A.070, 48.32A.080, 48.32A.090, 48.32A.100, 48.32A.110, 48.32A.120, 48.32A.900, 48.32A.910, 48.32A.920, 48.32A.930, and 48.32A.931. Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5959 by Senators Benton, Swecker, McDonald, Hochstatter, Johnson, Stevens, Honeyford, Roach, Rossi, Long, West and T. Sheldon

AN ACT Relating to repealing local motor vehicle taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, and 35.58.278; and declaring an emergency. HELD.

SB 5960 by Senators Parlette, Thibaudeau, Kohl-Welles and Honeyford

AN ACT Relating to the learned intermediary doctrine for prescription products; adding a new section to chapter 7.72 RCW; and creating a new section. Referred to Committee on Health and Long-Term Care.

SB 5961 by Senators Jacobsen and Oke (by request of Department of Fish and Wildlife)

AN ACT Relating to making technical corrections to fish and wildlife statutes; amending RCW 4.24.350, 43.70.185, 46.09.200, 46.10.200, 69.30.010, 69.30.110, 69.30.140, 70.93.050, 76.04.045, 77.08.010, 77.12.039, 77.12.043, 77.12.045, 77.12.047, 77.12.170, 77.12.177, 77.12.204, 77.12.264, 77.12.320, 77.12.325, 77.12.425, 77.12.455, 77.15.030, 77.15.080, 77.15.090, 77.15.094, 77.15.096, 77.15.110, 77.15.120, 77.15.150, 77.15.180, 77.15.210, 77.15.250, 77.15.260, 77.15.270, 77.15.290, 77.15.330, 77.15.340, 77.15.370, 77.15.380, 77.15.390, 77.15.400, 77.15.480, 77.15.510, 77.15.550, 77.15.600, 77.15.700, 77.15.730, 77.32.010, 77.32.014, 77.32.250, 77.32.470, 77.32.535, 77.44.070, 77.55.280, 77.55.290, 77.70.010, 77.70.150, 77.70.190, and 79A.60.100; reenacting and amending RCW 77.15.245; adding new sections to chapter 77.65 RCW; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.55 RCW; recodifying RCW 77.12.055, 77.65.470, 77.12.425, 77.16.220, and

77.32.220; and repealing RCW 77.12.030, 77.12.040, 77.12.105, 77.12.250, 77.12.295, 77.12.457, 77.12.724, and 77.32.420.

Referred to Committee on Natural Resources, Parks and Shorelines.

SB 5962 by Senators Horn and Kohl-Welles

AN ACT Relating to the legislative systems revolving fund; and amending RCW 44.68.070.

Referred to Committee on Ways and Means.

SB 5963 by Senators Kohl-Welles, Hargrove, Long, Costa, Carlson, Franklin, Oke, Gardner, Rasmussen and Kline

AN ACT Relating to juvenile offender parenting; amending RCW 13.40.460; adding a new section to chapter 13.40 RCW; and creating a new section.

Referred to Committee on Human Services and Corrections.

SB 5964 by Senators Kohl-Welles, Hargrove, Long, Costa, Carlson, Franklin, Gardner, Rasmussen and Fraser

AN ACT Relating to the office of the family and children's ombudsman; amending RCW 43.06A.030 and 43.06A.100; and making an appropriation.

Referred to Committee on Human Services and Corrections.

SB 5965 by Senators Spanel, Gardner, Kohl-Welles, Kline and Rasmussen

AN ACT Relating to local option real estate excise taxes for affordable housing purposes; and adding a new section to chapter 82.46 RCW.

Referred to Committee on Ways and Means.

SB 5966 by Senators Jacobsen, Morton, Fraser, Eide and Regala

AN ACT Relating to transferring energy-related activities to the state energy office; amending RCW 43.21F.025, 43.21F.045, 43.21F.055, 43.21F.060, 43.21F.090, 28B.30.900, 39.35.030, 39.35.050, 39.35C.010, 39.35C.020, 39.35C.030, 39.35C.040, 39.35C.050, 39.35C.060, 39.35C.070, 39.35C.090, 39.35C.100, 39.35C.110, 39.35C.130, 19.27A.020, 42.17.2401, 43.06.115, 43.21G.010, 47.06.110, 70.94.527, 70.94.537, 70.94.541, 70.94.960, 82.35.080, 90.03.247, 80.50.030, 41.06.070, 43.19.123, and 43.330.904; reenacting and amending RCW 39.35C.080; adding new sections to chapter 43.21F RCW; adding a new section to chapter 41.06 RCW; creating new sections; recodifying RCW 43.19.123 and 43.330.904; providing an effective date; and declaring an emergency. Referred to Committee on Environment, Energy and Water.

SJM 8015 by Senators Finkbeiner, T. Sheldon, Kline, Sheahan, Morton, Rossi, Oke, Rasmussen and Fraser

Requesting California to require rate increases to guarantee payment for surplus power it receives from Washington state.

Referred to Committee on Environment, Energy and Water.

SJR 8215 by Senators Eide, Carlson, Jacobsen, Patterson, Spanel, Fairley, Costa, Rasmussen, Thibaudeau, Winsley, Prentice, Shin, McAuliffe, Constantine, Kohl-Welles, Fraser, Gardner and Kline

Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies.

Referred to Committee on Education.

#### MOTION

Senator Betti Sheldon moved that all the bills on the Introduction and First Reading Calendar be referred to the committees as listed.

## MOTION

Senator Sheahan moved to amend the motion by Senator Betti Sheldon and that Senate Bill No. 5959 be immediately advanced to second reading.

Debate ensued.

## POINT OF ORDER

Senator Snyder: "I believe this is a motion to suspend the rules and in the past, it has been customary to just have one speech on each side of the motion."

## REPLY BY THE PRESIDENT

President Owen: "Senator Snyder, the interesting point here is that Senator Sheahan made a motion to amend Senator Sheldon's motion, so it is a two step process. First, we have to amend the motion and then suspend the rules to advance it to second reading."

Senator Snyder: "Thank you."

Further debate ensued.

## POINT OF INQUIRY

Senator West: "Senator Snyder, last year, when the court ruled that 695 was unconstitutional, this body in a bipartisan manner acted very quickly to repeal the motor vehicle excise tax and instated the thirty dollar fee that was provided for in 695. Was it your intent--the intent of the majority--last year to repeal that tax in its entirety?"

Senator Snyder: "I believe it was the intent of the Legislature to appeal the entire motor vehicle excise tax as was indicated in the Initiative. I think we need to go through an orderly process here and find out what is necessary and see if the court is going to uphold it or if they are not going to uphold it. I just think that this is a normal process and that there is no rush to do it. Nobody's taxes are being increased; nobody is going to pay more money for tabs this week or next week. I think that probably the result is going to be about the same as it was a year ago."

Senator West: "Senator Snyder, an additional question if I might. Was it anyone's understanding that the local tax would not be repealed?"

Senator Snyder: "I can't speak for everybody, but I can speak for myself. I thought it was probably going to be--all of it was going to be repealed, just as it was before."

Senator West: "Thank you, Senator Snyder."

Further debate ensued.

Senator Sheahan demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Sheahan to amend the motion by Senator Betti Sheldon and that Senate Bill No. 5959 be immediately placed on the second reading calendar.

## ROLL CALL

The Secretary called the roll and the motion by Senator Sheahan carried and the amendment was adopted by the following vote: Yeas, 24; Nays, 23, Absent, 1, Excused, 1

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 24.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Snyder, Spanel and Thibaudeau - 23.

Absent: Senator Shin - 1.

Excused: Senator Horn - 1.

The President declared the question before the Senate to be the motion by Senator Betti Sheldon, as amended, that all bills on today's Introduction and First Reading Calendar be referred to the committees as designated with the exception of Senate Bill No. 5959, which will be placed on today's second reading calendar.

## PARLIAMENTARY INQUIRY

Senator Snyder: "A point of inquiry, Mr. President. What is the status of Senate Bill No. 5959? Will it be on the second reading calendar and does that need a two-thirds vote to get it to second reading?"

#### REPLY BY THE PRESIDENT

President Owen: "We just amended the motion by Senator Sheldon. Now, you have to pass the motion, which would take a two-thirds vote, because the rules have to be suspended to advance it to second reading."

Senator Snyder: "Thank you."

The President declared the question before the Senate to be the amended motion by Senator Betti Sheldon, which would be that all the bills on the today's Introduction and First Reading Calendar be referred to the committees as designated, with the exception of Senate Bill No. 5959.

The motion was defeated by a voice vote.

#### PARLIAMENTARY INQUIRY

Senator Snyder: "A point of inquiry, Mr. President. What is the status of Senate Bill No. 5959?"

#### REPLY BY THE PRESIDENT

President Owen: "All the bills on today's Introduction and First Reading Calendar, including Senate Bill No. 5959 are in the same status as they were when we began the session which is, they have not yet been referred. They have not been referred anywhere yet."

#### MOTION

Senator Snyder: "I'll move that all bills on today's Introduction Sheet be referred to the committees as indicated."

#### PARLIAMENTARY INQUIRY

Senator West: "Under Reed's Rules, once the body decides an issue, the issue is decided. This body has just decided that issue. Without a motion for reconsideration, we can't honor Senator Snyder's motion, I believe."

#### REPLY BY THE PRESIDENT

President Owen: "The President believes that the motion, as presented by Senator Snyder is in order as it had not been dealt with in that fashion in the original case. So, the motion before us is that all measures shown on today's Introduction and First Reading Calendar be referred to the committees as designated."

#### MOTION

Senator Sheahan: "Mr. President I move that Senator Snyder's motion be amended to provide that Senate Bill No. 5959 be boosted directly to the second reading calendar."

#### REPLY BY THE PRESIDENT

President Owen: "The motion by Senator Sheahan to amend Senator Snyder's motion is not in order. That motion has been dealt with."

#### MOTION

Senator Sheahan: "Mr. President, I move to amend Senator Snyder's motion to leave Senate Bill No. 5959 on the desk and send the other bills on today's Introduction and First Reading calendar to the committees as designated."

The President declared the question before the Senate to be the motion by Senator Sheahan to amend the motion by Senator Snyder, which would allow all bills on the Introduction and First Reading Calendar be referred as designated with the exception of Senate Bill No. 5959, which would remain on the desk.

Debate ensued.

Senator Sheahan demanded a roll call and the demand was sustained.

#### PARLIAMENTARY INQUIRY

Senator Tim Sheldon: "Mr. President, could you clarify for me what this motion, if it passes, will do? My understanding is that this bill will stay on the desk."

#### REPLY BY THE PRESIDENT

President Owen: "That is correct."

Senator Tim Sheldon: "Thank you."

President Owen: "If the motion passes, Senate Bill No. 5959 will be held at the desk."

Senator Tim Sheldon: "And will not be referred to committee?"

President Owen: "And will not be referred to committee--excuse me, this motion, if it passes, amends the motion by Senator Snyder and then that motion will still have to be voted on. If that passes, then Senate Bill No. 5959 will stay on the desk and will not be referred to committee and will not be on the second reading calendar."

Senator Tim Sheldon: "Thank you."

The President declared the question before the Senate to be the roll call on the motion by Senator Sheahan to amend the motion by Senator Snyder that all bills on the Introduction and First Reading Calendar be referred as designated with the exception of Senate Bill No. 5959, which would remain on the desk.

#### ROLL CALL

The Secretary called the roll and the motion by Senator Sheahan carried and the amendment was adopted by the following vote: Yeas, 25; Nays, 22; Absent, 1; Excused, 1.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Johnson, Kastama, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West, Winsley and Zarelli - 25.

Voting nay: Senators Brown, Constantine, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kline, Kohl-Welles, McAuliffe, Patterson, Prentice, Rasmussen, Regala, Sheldon, B., Snyder, Spanel and Thibaudeau - 22.

Absent: Senator Shin - 1.

Excused: Senator Horn - 1.

#### PARLIAMENTARY INQUIRY

Senator Snyder: "A point of parliamentary inquiry. What is the motion presently before the Senate?"

#### REPLY THE PRESIDENT

President Owen: "The motion presently before the Senate is your motion, as amended by Senator Sheahan, which is as follows: All measures shown on today's Introduction and First Reading Calendar will be referred to the committees as designated with the exception of Senate Bill No. 5959, which will be held on the desk."

#### MOTION

On motion of Senator Eide, Senator Shin was excused.

The President declared the question before the Senate to be motion by Senator Snyder, as amended by Senator Sheahan, that all measures shown on today's Introduction and First Reading Calendar will be referred to the committees as designated with the exception of Senate Bill No. 5959, which will be held on the desk.

The motion carried by voice vote.

SENATE BILL NO. 5959 was held at the desk and all other measures on the Introduction and First Reading Calendar were referred to the committees as designated.

#### STATEMENT FOR THE JOURNAL

TO: TONY COOK, SECRETARY OF THE SENATE  
CC: LIEUTENANT GOVERNOR BRAD OWEN  
FROM: SENATOR JIM WEST  
DATE: FEBRUARY 12, 2001  
RE: PROTESTS OF TWO ACTIONS

Pursuant to Senate Rule 48, I protest two separate rulings by the President on Friday, February 9, 2001.

Protest of First Ruling. The President first ruled that a point of order by me was not well taken. My point was that Senator Snyder's motion to refer bills listed on First Reading to committees was out of order. Senator Snyder's motion was identical to a previous motion made by Senator Betti Sheldon. The body passed an amendment by Senator Sheahan to Senator Sheldon's motion to the effect that one bill, SB 5959, should be advanced directly to the Second Reading Calendar, rather than be referred to the Transportation Committee as moved by Senator Sheldon. The motion, as amended, required a suspension of the Senate Rules and a two-thirds vote, and was defeated. Senator Snyder then made the motion in question, which had the effect of subverting the will of the body by striking language already approved by the body when it adopted Senator Sheahan's amendment. Reed's Rule 209 provides that "decisions of the assembly must remain undisturbed," and I therefore respectfully submit that Senator Snyder's motion was not in order. I submit that under Reed's Rule 209, the appropriate course of procedure would have been for Senator Snyder to move to reconsider; first Senator Sheldon's failed motion, and then either move to reconsider Senator Sheahan's amendment or to divide it from the remainder of the motion (which a member can demand as a matter of Right under Senate Rule 31).

Protest of Second Ruling. Because Senator Snyder's motion was ruled in order, Senator Sheahan had no option but to move to amend it to advance SB 5959 to Second Reading; that is, to reinsert language *already agreed* by the body. The President ruled on Senator Snyder's point that Senator Sheahan's motion to amend was not in order, ironically, because the amendment had already been voted on by the body. I respectfully submit that Senator Sheahan's motion to amend Senator Snyder's motion was very much in order. Had it and no other amendments passed, then Senator Snyder's *main motion as amended* may have been out of order, see Sturgis, 3d Ed. at page 28 ("when a main motion has been voted on and lost, the same.....motion cannot be proposed again at the same meeting....."), at which point Senator Snyder would have maintained other options including moving to divide Senator Sheahan's amendment from the remainder of the main motion. In short, I know of no parliamentary authority that provides that a subsequent amendment to a subsequent main motion cannot be proposed, whether or not it is identical to a previous amendment to a previous main motion.

I hope the President will not consider himself bound by these rulings in the future.

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege, Mr. President. Ladies and gentlemen of the Senate, when I arrived at my desk this morning, upon examination, I found a brown paper bag. Normally, things that come in brown wrappers shouldn't be on the floor--I got out of that one, didn't I? Upon inspection, I found some honey, some candy and a badge. Now, in talking to the majority leader--I won't hurt you Sid--in talking to the majority leader and the floor leader, they didn't know where it came from. Now, one of the rules, in Reed's Rules and the Joint Rules of the House and Senate, upon your maiden speech, someone must notify you that it is a maiden speech, then a gift is expected. Now, no one has made any speech about the speech that this young lady made. I believe her name is Senator Regala. Now, because of that and no one informed you of a gift, this gift does not count. Could I have a voice vote on this please? Do you have any comments? Would you yield to a question? What is the next gift?"

Senator Regala: "Well, Senator McCaslin--thank you, Mr. President--I was not aware that you needed to recognize me first. I was well aware that I needed to give a gift for my maiden speech, which I gave on Wednesday. I will note that nobody noted that and I have to say that I wondered if the kind gentlemen might owe me a tribute for either taking me for granted or ignoring me. I'll just assume that you didn't notice me back here in the back row. So, I didn't want the weekend to come and go without me having provided my tribute to my fellow Senators. So, that is what you find on your desk this morning."

Further debate ensued.

#### PERSONAL PRIVILEGE

Senator Regala: "Mr. President, a point of personal privilege. May I take a few brief moments to explain the gifts that you found on your desks this morning? It was my understanding, fellow Senators, that my gift should reflect my district somehow. I believe that the Twenty-seventh District is the most diverse district in the state of Washington, so I tried to do something that was a little unique. The Twenty-seventh District goes from the fertile farm fields of Fife

to the verdant vistas of Tacoma's north end neighborhood. There are many, many special people and unique places in that district.

"The first item you find is very unique. I know it looks like something that you would find on a grocery store shelf, but instead this is a special product that comes from the East Side 4-H Youth Group. Now, the East Side 4-H Youth Group is in the Salashan Housing development. Most of these urban teens are from families that are refugees from Southeast Asia. Through the Tahoma Food System Project, they are working on learning business practices; they sell this honey at our local markets and they are learning about marketing sales and business management. They also sell infused honeys, using herbs from the community gardens in that area, so I hope you will enjoy that.

"The second item also represents some young entrepreneurs. In 1914, Brown and Haley established the Brown and Haley Candy Company in Tacoma. So, you have some Almond Roca. They ship approximately eight hundred thousand pieces of this candy--through the Port of Tacoma in the Twenty-seventh District--around the world every year. It is very well known and you may be aware that some people are suggesting that it should be the state candy. You will note that it is wrapped with a purple ribbon that denotes the University of Washington, Tacoma. We are very proud of having that in our district. It is a neighbor to the State Historical Society in our Museum District, which also includes the New Tacoma Art Museum and the International Museum of Glass.

"The third item comes from the Point Defiance Zoo and Aquarium. Now, we don't have Honey Bears or Huskies in our zoo, but we do have an elephant, we do have clouded leopards, snow leopards, sharks, lorikeets and poison arrow frogs. I could go on and on and talk about the wonders of the Twenty-seventh District, but I will stop there. I will let you know that I am very proud of my district and I invite everyone of you to call me and I will give you a personal tour. Thank you, Mr. President."

#### MOTION

On motion of Senator Winsley, the following resolution was adopted:

#### SENATE RESOLUTION 2001-8611

By Senators Winsley, Constantine, Spanel, Haugen, McAuliffe, Kohl-Welles, Fraser, Costa, Sheldon, B. and Rasmussen

WHEREAS, the arts work for Washington as they contribute to the state's economy, help students achieve and are fundamental to the quality of life Washington residents treasure;

WHEREAS, the arts industry throughout Washington State generates \$559 million in business activity, \$27 million in sales and business and occupation taxes, and \$220 million in patron spending each year;

WHEREAS, arts education has a significant, measurable and positive impact on student test scores, attendance, self-confidence and workforce skills;

WHEREAS, the arts attract tourists and enhance neighborhoods, entertain us, inspire us, expand our imaginations and contribute to our quality of life;

WHEREAS, more than one-thousand citizens have invested in a strategic plan that lays out the steps to ensure that our cultural heritage remains strong; and

WHEREAS, forty years ago, Governor Albert Rosellini and the 1961 Legislature established the Washington State Arts Commission, recognizing the arts as essential to the social, educational and economic growth of the state of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize and honor the arts and artists in Washington State, and affirm that the arts continue to work for Washington.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Chris Tucker, Executive Director of the Washington Arts Commission, who was seated in the gallery.

#### MOTION

On motion of Senator Thibaudeau, the following resolution was adopted:

#### SENATE RESOLUTION 2001-8614

By Senators Thibaudeau, Deccio, Spanel, Johnson, Winsley, Costa, Eide, Fairley, Sheldon, B., Sheldon, T., Prentice, Shin, Jacobsen, Gardner, Patterson, Fraser, Regala, Franklin, Brown, Hargrove, Kohl-Welles, Roach, Haugen, Rasmussen and McAuliffe

WHEREAS, There are twenty-two nonprofit community and migrant health centers in Washington with clinics located in seventy-seven communities serving over 254,606 people; over 302,029 medical and 331,593 dental visits are provided to uninsured individuals. The health centers operate more than seventy-seven medical centers and more than forty-eight dental clinics across the state, from the northeast corner to Pacific coast towns; and

WHEREAS, All of the health centers provide access to quality services while removing economic, cultural, geographic, and other barriers to adequate health care; and

WHEREAS, All community and migrant health centers serve uninsured clients on a sliding fee scale that reflects a person's ability to pay for services; and

WHEREAS, Health centers are governed by community-based boards of directors that represent the patients they serve; and

WHEREAS, Health centers in Washington help control costs for health services by reducing inappropriate use of emergency room services and help lower hospital admissions while providing higher childhood immunizations and health education; and

WHEREAS, The services of all Washington community health centers contribute to the safety net and the community, which helps many families;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington commend and honor the commitment and contributions of health centers to the economic and physical health of the community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the community and migrant health centers of Washington State.

#### MOTION

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

#### SENATE RESOLUTION 2001-8612

#### ***By Senators West, Roach, Johnson, McDonald, Sheahan, Rasmussen, and Fraser***

WHEREAS, the Boy Scouts of America was established on February 8, 1910, by founders Robert Baden Powell, Ernest Thompson Seton, Daniel Carter Beard, and William D. Boyce; and

WHEREAS, the Mission of the Boy Scouts of America is to prepare young people to make ethical choices over their lifetimes by instilling in them the values of the Scout Oath and Laws; and

WHEREAS, from its beginning, the concept of Scouting has grown and spread throughout the world to become the largest voluntary youth movement in the world; and

WHEREAS, for more than ninety years, the Boy Scouts of America has complimented youth education with a program that teaches our youth the skills and values that will help them throughout their lifetimes; and

WHEREAS, the Scout Law teaches Scouts to be "trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent;" and

WHEREAS, the Boy Scouts of America reached a historic membership milestone with the addition of its 100 millionth member in April of last year; and

WHEREAS, In Washington State, there are over one hundred thousand youths involved in the Boy Scouts of America and nationally there are over four million members ranging from Tiger Cubs through Eagle Scouts; and

WHEREAS, youths from every ethnic, religious, and economic background in suburbs, farms, and cities know and respect each other as they participate in the Boy Scout program; and

WHEREAS, with the support of over 1.2 million adult volunteers nationwide, the Boy Scouts of America passes on to today's youth the same principles, aims, and ideals that have been part of Scouting since 1910; and

WHEREAS, at the dawn of the new millennium, the Boy Scouts of America look forward to continue building upon nine decades of instilling in youth the strong values and morals that will make a difference in the lives of millions in the new century;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate applaud the effort and work of the six Washington State Councils of the Boy Scouts of America, and also applaud the positive programs that the Boy Scouts of America provide for our youth; and

BE IT FURTHER RESOLVED, That the Washington State Senate encourage all agencies of state government to recognize the service and benefits that are provided by the Boy Scouts of America and work with Scouting and other youth organizations for the purpose of improving our communities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Governor Gary Locke; the Governor's cabinet officers; all state-wide elected officials; the National Boy Scouts of America office; the Western Region office of the Boy Scouts of America; and to the Boy Scout Councils serving Washington State.

Senators West, Sheahan, Franklin, Roach and Kline spoke to Senate Resolution 2001-8612.

Senator Thibaudeau spoke against Senate Resolution 2001-8612, because of the Boy Scouts' stand on Gay members.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the Boys Scouts from Troop 462 from Fort Lewis, presenters of the Colors for the opening of session this morning, who were seated in the gallery.

#### MOTION

At 11:09 a.m. on motion of Senator Gardner, the Senate adjourned until 12:00 noon, Monday, February 12, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

THIRTY-THIRD DAY, FEBRUARY 9, 2001

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

#### THIRTY-SIXTH DAY

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NOON SESSION  
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Senate Chamber, Olympia, Monday, February 12, 2001

The Senate was called to order at 12:00 noon by President Pro Tempore Franklin. No roll call was taken.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 8, 2001

SB 5001 Prime Sponsor, Senator Roach: Allowing initiative and referendum petitions on 8 ½ by 11 paper. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5001 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, McCaslin, Roach and T. Sheldon.

Passed to Committee on Rules for second reading.

February 9, 2001

SB 5014 Prime Sponsor, Senator Costa: Harmonizing the definitions of sex and kidnapping offenders under the criminal and registration statutes. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5014 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5189 Prime Sponsor, Senator B. Sheldon: Providing unemployment insurance benefits for victims of domestic violence or stalking. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5190 Prime Sponsor, Senator Winsley: Providing photo identification for private investigators. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5190 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5205 Prime Sponsor, Senator Prentice: Requiring self-insurers to provide information for independent medical examinations. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5205 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Patterson, Rasmussen, Regala, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5312 Prime Sponsor, Senator Fraser: Requiring full text of repealed laws in initiatives. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach and T. Sheldon.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5318 Prime Sponsor, Senator West: Modifying the definition of a "vocational student" for the purpose of the study of cosmetology. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5318 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5363 Prime Sponsor, Senator Thibaudeau: Providing medical assistance reimbursements for small, rural hospitals. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

February 8, 2001

SB 5382 Prime Sponsor, Senator Patterson: Regarding penalties for violations of the public disclosure act. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin and T. Sheldon.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5383 Prime Sponsor, Senator Patterson: Correcting inaccurate or procedurally obsolete provisions of the public disclosure commission law. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach and T. Sheldon.

Passed to Committee on Rules for second reading.

February 8, 2001

SB 5401 Prime Sponsor, Senator Patterson: Eliminating boards and commissions. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5401 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach and T. Sheldon.

Referred to Committee on Ways and Means.

February 8, 2001

SB 5403 Prime Sponsor, Senator Patterson: Reauthorizing the expedited rule adoption process. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5403 be substituted therefor, and the substitute bill do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, Roach and T. Sheldon.

Passed to Committee on Rules for second reading.

February 9, 2001

SB 5406 Prime Sponsor, Senator Long: Revising the definition of "sexually violent offense" for the purposes of civil commitment procedures. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5406 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Long and Stevens.

Referred to Committee on Ways and Means.

February 8, 2001

SB 5520 Prime Sponsor, Senator Patterson: Providing fiscal impact statements for ballot measures. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5520 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline and McCaslin.

Passed to Committee on Rules for second reading.

February 9, 2001

SB 5540 Prime Sponsor, Senator Franklin: Authorizing public utility tax credits for home energy assistance programs for low-income households. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5540 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen, Morton and Patterson.

Referred to Committee on Ways and Means.

February 9, 2001

SB 5542 Prime Sponsor, Senator Fraser: Providing sales and use tax exemptions for air pollution control facilities acquired or installed by a light and power business at thermal electric peaking plants. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5542 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, Morton and Patterson.

Referred to Committee on Ways and Means.

February 8, 2001

SB 5580 Prime Sponsor, Senator Prentice: Reducing the mortgage brokers business and occupation tax rate. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That the bill be referred to the Committee on Ways and Means without recommendation. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Franklin, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Referred to Committee on Ways and Means.

February 9, 2001

SB 5646 Prime Sponsor, Senator Morton: Extending the public utility tax deduction for cogeneration. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, Morton and Patterson.

Referred to Committee on Ways and Means.

February 8, 2001

SB 5661 Prime Sponsor, Senator Finkbeiner: Requiring growth management planning for recreational facilities. Reported by Committee on State and Local Government

MAJORITY Recommendation: That the bill be referred to Committee on Natural Resources, Parks and Shorelines without recommendation. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach and T. Sheldon.

Referred to Committee on Natural Resources, Parks and Shorelines.

February 9, 2001

SB 5709 Prime Sponsor, Senator Regala: Exempting certain electrolytic processing businesses from public utility tax. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5709 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Honeyford and Patterson.

MINORITY Recommendation: Do not pass. Signed by Senators Hale and Morton.

Referred to Committee on Ways and Means.

February 8, 2001

SCR 8409 Prime Sponsor, Senator Morton: Establishing a select committee on state boundaries. Reported by Committee on State and Local Government

MAJORITY Recommendation: That the bill be referred to Committee on Judiciary without recommendation. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach and T. Sheldon.

Referred to Committee on Judiciary.

#### MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5363, Senate Bill No. 5401 and Senate Bill No. 5406 were referred to the Committee on Ways and Means.

On motion of Senator Betti Sheldon, Senate Bill No. 5312 and Senate Bill No. 5520 were passed to the Committee on Rules.

#### MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

January 26, 2001

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

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

Kaleen Cottingham, to be reappointed February 3, 2001, for a term ending June 30, 2002, as a member of the Pollution Control/Shorelines Hearings Board.

Sincerely,  
GARY LOCKE, Governor

Referred to the Committee on Environment, Energy and Water.

#### INTRODUCTION AND FIRST READING

SB 5967 by Senators Franklin, Rasmussen, Winsley, Thibaudeau, Oke, Regala, Deccio, Kastama, Eide and Kohl-Welles

AN ACT Relating to establishing a pilot project to provide community-based services through a public-private based partnership for persons with developmental disabilities; creating new sections; and making appropriations.

Referred to Committee on Health and Long-Term Care.

SB 5968 by Senators McCaslin and Swecker

AN ACT Relating to the fluoridation of public water systems; and adding new sections to chapter 70.119A RCW.

Referred to Committee on Health and Long-Term Care.

SB 5969 by Senators Johnson, Rasmussen, Long, T. Sheldon, Zarelli, Rossi, Haugen, Jacobsen, McCaslin, Winsley and Stevens

AN ACT Relating to information provided by former or current employers to prospective employers; adding a new section to chapter 4.24 RCW; and creating a new section.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5970 by Senator Hargrove

AN ACT Relating to probation orders; and amending RCW 3.66.067, 3.66.068, and 35.20.255.  
Referred to Committee on Judiciary.

SB 5971 by Senator Hargrove

AN ACT Relating to a toll road on Interstate 405; and adding new sections to chapter 47.56 RCW.  
Referred to Committee on Transportation.

SB 5972 by Senator Hargrove (by request of Department of Social and Health Services)

AN ACT Relating to clarifying the department of social and health services' parole program placement authority for all juvenile offenders under the age of twenty-one and committed to the department of social and health services; amending RCW 13.40.210; and declaring an emergency.  
Referred to Committee on Human Services and Corrections.

SB 5973 by Senators Jacobsen and Rasmussen

AN ACT Relating to the small farm marketing assistance conference; creating new sections; and making an appropriation.  
Referred to Committee on Agriculture and International Trade.

SB 5974 by Senator Jacobsen

AN ACT Relating to formation of an organic foods commission; adding a new chapter to Title 15 RCW; and prescribing penalties.  
Referred to Committee on Agriculture and International Trade.

SB 5975 by Senators Costa and McCaslin

AN ACT Relating to information requirements in family law court files; and amending RCW 26.09.020, 26.21.305, 26.23.050, 26.23.055, and 26.26.130.  
Referred to Committee on Judiciary.

SB 5976 by Senators Prentice and Kohl-Welles

AN ACT Relating to maintaining grandparents' information with birth records; amending RCW 70.58.080; adding a new section to chapter 70.58 RCW; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 5977 by Senators Rossi, Eide, T. Sheldon, Hochstatter, Stevens, Hargrove, Rasmussen and Roach

AN ACT Relating to exempting private residences on United States forest service land from the leasehold excise tax; and amending RCW 82.29A.130.  
Referred to Committee on Ways and Means.

SB 5978 by Senator Zarelli

AN ACT Relating to clarifying the authority of public utility districts to provide ancillary services; and amending RCW 54.04.020.  
Referred to Committee on Economic Development and Telecommunications.

SB 5979 by Senators Zarelli, Finkbeiner, Hochstatter and Hewitt

AN ACT Relating to school safety; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.320 RCW; and creating a new section.  
Referred to Committee on Education.

SB 5980 by Senators Prentice, Winsley and Kline

AN ACT Relating to fair competition in motor fuel marketing; adding a new chapter to Title 19 RCW; prescribing penalties; and declaring an emergency.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5981 by Senators Thibaudeau, Costa, Kohl-Welles, Eide and Regala

AN ACT Relating to authorizing local governments to restrict or prohibit smoking in public places; and amending RCW 70.160.080.  
Referred to Committee on Health and Long-Term Care.

SB 5982 by Senator Prentice

AN ACT Relating to moving and relocation expenses; and amending RCW 8.26.035.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5983 by Senators Swecker, Hochstatter, Gardner, Haugen, T. Sheldon and Rasmussen

AN ACT Relating to abandoned vehicles; amending RCW 46.20.031, 46.20.289, 46.20.291, 46.20.311, 46.55.085, 46.55.105, 46.55.110, 46.63.030, and 46.63.110; creating a new section; and prescribing penalties.  
Referred to Committee on Transportation.

SB 5984 by Senators Hargrove, Deccio, Hewitt, Long and Franklin

AN ACT Relating to public access to child dependency hearings and foster parent complaint information; amending RCW 13.34.115; and reenacting and amending RCW 42.17.310.  
Referred to Committee on Human Services and Corrections.

SB 5985 by Senators Sheahan, Hargrove, Stevens, T. Sheldon, Deccio, Hochstatter and Roach

AN ACT Relating to parental notification for abortions provided to minors; amending RCW 9.02.100; adding new sections to chapter 9.02 RCW; creating a new section; prescribing penalties; and declaring an emergency.  
Referred to Committee on Health and Long-Term Care.

SB 5986 by Senators Franklin, Kastama, Long, Regala and Hargrove

AN ACT Relating to public psychiatric facilities; and amending RCW 71.12.455 and 71.12.460.  
Referred to Committee on Health and Long-Term Care.

SB 5987 by Senators McAuliffe and Sheahan

AN ACT Relating to authorizing the imposition or expenditure of student fees by a two-thirds vote; and amending RCW 28B.15.045.  
Referred to Committee on Higher Education.

SB 5988 by Senators Snyder, McDonald, Spanel, Winsley, Prentice and Jacobsen (by request of State Investment Board))

AN ACT Relating to the state investment board; and amending RCW 43.33A.100.  
Referred to Committee on Ways and Means.

SB 5989 by Senators Parlette, Rossi, Honeyford, Morton, Hewitt, Deccio, Swecker, West and Hochstatter

AN ACT Relating to calculating the state expenditure limit; reenacting and amending RCW 43.135.035; providing an effective date; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5990 by Senators Fairley, Spanel, B. Sheldon and Zarelli (by request of Office of Financial Management)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5991 by Senators Fairley, Spanel, B. Sheldon and Zarelli (by request of Office of Financial Management)

AN ACT Relating to state general obligation bonds and related accounts; amending RCW 39.42.060; adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 5992 by Senators Prentice, Winsley, Gardner, Honeyford, Patterson, West and Rasmussen

AN ACT Relating to transfers of funds from the public works administration account; and amending RCW 39.12.070 and 39.12.080.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 5993 by Senators Oke, Spanel, Winsley and Thibaudeau

AN ACT Relating to removing the discretion of owners or managers of restaurants, card rooms, and bowling alleys to choose to allow smoking areas other than in a lounge, bar, or other area where persons under eighteen years of age are not permitted to enter or remain; and amending RCW 70.160.020, 70.160.030, and 70.160.040.  
Referred to Committee on Health and Long-Term Care.

SB 5994 by Senators Kohl-Welles, Fraser, Thibaudeau, Regala and Jacobsen

AN ACT Relating to limiting the growth in state expenditures to the growth in personal income; amending RCW 43.135.010, 43.135.025, and 43.135.035; and creating new sections.  
Referred to Committee on Ways and Means.

SB 5995 by Senators Long, Hargrove and Stevens

AN ACT Relating to information sharing among the courts, providers, divisions, and agencies serving dependent children and their families; adding a new section to chapter 13.34 RCW; and creating a new section.  
Referred to Committee on Human Services and Corrections.

SB 5996 by Senators Hewitt, McCaslin, Sheahan, Hale and West

AN ACT Relating to a leasehold excise tax exemption for baseball stadiums; and amending RCW 82.29A.130.  
Referred to Committee on Ways and Means.

SB 5997 by Senators Hochstatter, Rasmussen, Haugen, Honeyford, Gardner, Winsley, Prentice, Benton, Long, Franklin, Fairley, Patterson, Shin, T. Sheldon, Rossi, Snyder, Morton, Spanel, Stevens, McDonald, McCaslin, West, Parlette, Oke, Hewitt, Horn, Swecker, Kastama, Zarelli, Roach and Sheahan

AN ACT Relating to special license plates for fairs; amending RCW 46.16.313; and adding a new section to chapter 46.16 RCW.  
Referred to Committee on Transportation.

SB 5998 by Senators Hale, T. Sheldon, Hewitt, Morton, McDonald, Hochstatter and Honeyford

AN ACT Relating to energy facility siting; amending RCW 80.50.020, 80.50.030, 80.50.060, and 80.50.100; adding new sections to chapter 80.50 RCW; and declaring an emergency. Referred to Committee on Environment, Energy and Water.

MOTION

At 12:03 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Tuesday, February 13, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-SIXTH DAY, FEBRUARY 12, 2001

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**NOTICE:** FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

**THIRTY-SEVENTH DAY**

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NOON SESSION  
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SENATE CHAMBER, OLYMPIA, TUESDAY, FEBRUARY 13, 2001

THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY VICE PRESIDENT PRO TEMPORE SHIN. NO ROLL CALL WAS TAKEN.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

REPORTS OF STANDING COMMITTEES

FEBRUARY 12, 2001

SB 5044 PRIME SPONSOR, SENATOR McCASLIN: CLARIFYING PARENTAL INVOLVEMENT IN AIDS EDUCATION. REPORTED BY COMMITTEE ON EDUCATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5044 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS McAULIFFE, CHAIR; EIDE, VICE CHAIR; CARLSON, FINKBEINER, HEWITT, KASTAMA, KOHL-WELLES, PRENTICE AND RASMUSSEN.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 12, 2001

SB 5201 PRIME SPONSOR, SENATOR KOHL-WELLES: CREATING THE HIGHER EDUCATION FOR LIFELONG PROGRESS PROGRAM. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5201 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, JACOBSEN, McAULIFFE AND B. SHELDON.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS HORN AND PARLETTE.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 8, 2001

SB 5220 PRIME SPONSOR, SENATOR EIDE: SURVEYING MULTIPLE SCLEROSIS PATIENTS. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 8, 2001

SB 5359 PRIME SPONSOR, SENATOR THIBAudeau: MODIFYING THE HEALTH PROFESSIONS' APPOINTMENT OF PRO TEM MEMBERS. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 8, 2001

SB 5423 PRIME SPONSOR, SENATOR FAIRLEY: CONTINUING HEALTH CARE BENEFITS FOR INDIVIDUALS WITH DISABILITIES. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 12, 2001

SB 5510 PRIME SPONSOR, SENATOR B. SHELDON: EXTENDING THE PROHIBITION ON MANDATORY LOCAL MEASURED TELECOMMUNICATIONS SERVICE. REPORTED BY COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5510 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS T. SHELDON, CHAIR; B. SHELDON, VICE CHAIR; FAIRLEY, FINKBEINER, HAUGEN, MCCASLIN, ROSSI AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 12, 2001

SB 5533 PRIME SPONSOR, SENATOR EIDE: POSTING AND NOTIFICATION OF PESTICIDE APPLICATIONS AT SCHOOLS. REPORTED BY COMMITTEE ON EDUCATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5533 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS MCAULIFFE, CHAIR; EIDE, VICE CHAIR; CARLSON, FINKBEINER, HEWITT, JOHNSON, KASTAMA, KOHL-WELLES, PRENTICE, RASMUSSEN AND ZARELLI.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATOR HOCHSTATTER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 12, 2001

SB 5546 PRIME SPONSOR, SENATOR MCAULIFFE: RECLASSIFYING THE STATE BOARD OF EDUCATION AS A CLASS FOUR GROUP. REPORTED BY COMMITTEE ON EDUCATION

MAJORITY RECOMMENDATION: DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS MCAULIFFE, CHAIR; EIDE, VICE CHAIR; CARLSON, FINKBEINER, HEWITT, HOCHSTATTER, JOHNSON, KASTAMA, KOHL-WELLES, PRENTICE, RASMUSSEN AND ZARELLI.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL No. 5423 WAS REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND SENATE BILL No. 5546 WAS PASSED TO THE COMMITTEE ON RULES.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

FEBRUARY 12, 2001

GA 9004 PHILLIP BOSHAW, APPOINTED JANUARY 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2004, AS A MEMBER OF THE BOARD OF TRUSTEES FOR LAKE WASHINGTON TECHNICAL COLLEGE DISTRICT No. 26.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9010 SUSAN I. DAVIDSON, REAPPOINTED OCTOBER 14, 1999, FOR A TERM ENDING JULY 14, 2004, AS A MEMBER OF THE BOARD OF TRUSTEES FOR THE STATE SCHOOL FOR THE BLIND.  
REPORTED BY COMMITTEE ON EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS MCAULIFFE, CHAIR; EIDE, VICE CHAIR; CARLSON, FINKBEINER, HEWITT, HOCHSTATTER, JOHNSON, KOHL-WELLES, PRENTICE AND RASMUSSEN.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9039 PAT STANFORD, APPOINTED APRIL 1, 2000, FOR A TERM ENDING JUNE 30, 2003, AS A MEMBER OF THE HIGHER EDUCATION COORDINATING BOARD.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9040 REVEREND STEPHEN V. SUNDBORG, REAPPOINTED MARCH 28, 2000, FOR A TERM ENDING MARCH 26, 2004, AS A MEMBER OF THE HIGHER EDUCATION FACILITIES AUTHORITY.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9045 MARK WOLFRAM, REAPPOINTED OCTOBER 1, 1999, FOR A TERM ENDING SEPTEMBER 30, 2004, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CASCADIA COMMUNITY COLLEGE DISTRICT No. 30.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9049 DEBORAH J. BARNETT, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2006, AS A MEMBER OF THE BOARD OF TRUSTEES FOR THE EVERGREEN STATE COLLEGE.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9054 KAYLEEN BYE, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR WALLA WALLA COMMUNITY COLLEGE DISTRICT No. 20.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9060 PAT E. CLOTHIER, APPOINTED OCTOBER 1, 2000, FOR A TERM ENDING JUNE 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR THE STATE SCHOOL FOR THE BLIND.  
REPORTED BY COMMITTEE ON EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS MCAULIFFE, CHAIR; EIDE, VICE CHAIR; CARLSON, FINKBEINER, HEWITT, JOHNSON, KOHL-WELLES, PRENTICE AND RASMUSSEN.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9062 ELIZABETH COWLES, APPOINTED APRIL 13, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF REGENTS FOR WASHINGTON STATE UNIVERSITY.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9067 DANIEL J. EVANS, REAPPOINTED APRIL 13, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF REGENTS FOR THE UNIVERSITY OF WASHINGTON.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9071 KAREN GATES-HILDT, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR PENINSULA COMMUNITY COLLEGE DISTRICT No. 1.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9072 WILLIAM H. GATES, REAPPOINTED AUGUST 21, 2000, FOR A TERM ENDING SEPTEMBER 30, 2006, AS A MEMBER OF THE BOARD OF REGENTS FOR THE UNIVERSITY OF WASHINGTON.  
REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9074 JUDY GUENTHER, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CENTRALIA COMMUNITY COLLEGE DISTRICT No. 12.  
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9078 PAUL L. HUTTON, APPOINTED JULY 1, 2000, FOR A TERM ENDING APRIL 3, 2001, AS A MEMBER OF THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES.  
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9087 SHOUBEE LIAW, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR SHORELINE COMMUNITY COLLEGE DISTRICT No. 7.  
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9094 ELIZABETH MCINTURFF, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR SPOKANE AND SPOKANE FALLS COMMUNITY COLLEGES DISTRICT No. 17.  
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9097 GLORIA MITCHELL, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CASCADIA COMMUNITY COLLEGE DISTRICT No. 30.  
. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9100 ANN MOTTET, APPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR LOWER COLUMBIA COMMUNITY COLLEGE DISTRICT No. 13.

. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9107 DOUGLAS D. PETERS, APPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR YAKIMA VALLEY COMMUNITY COLLEGE DISTRICT No. 16.

. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9111 CAROLYN J. PURNELL, REAPPOINTED MAY 18, 2000, FOR A TERM ENDING APRIL 3, 2004, AS A MEMBER OF THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES.

. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9112 JAY REICH, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2006, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CENTRAL WASHINGTON UNIVERSITY.

. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9113 DONALD V. RHODES, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR SOUTH PUGET SOUND COMMUNITY COLLEGE DISTRICT No. 24.

. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9119 GAY V. SELBY, REAPPOINTED JULY 12, 2000, FOR A TERM ENDING JUNE 30, 2004, AS A MEMBER OF THE HIGHER EDUCATION COORDINATING BOARD.

. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9122 CHANG MOOK SOHN, REAPPOINTED JULY 12, 2000, FOR A TERM ENDING JUNE 30, 2004, AS A MEMBER OF THE HIGHER EDUCATION COORDINATING BOARD.

. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9130 WALTER WAISATH, JR., REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR CLOVER PARK TECHNICAL COLLEGE DISTRICT No. 29.

. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9131 MARILYN WALTON, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR TACOMA COMMUNITY COLLEGE DISTRICT No. 22.

. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9133 JAMES WILSON, REAPPOINTED OCTOBER 1, 2000, FOR A TERM ENDING SEPTEMBER 30, 2005, AS A MEMBER OF THE BOARD OF TRUSTEES FOR WHATCOM COMMUNITY COLLEGE DISTRICT No. 21.

. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9135 MICHELE YAPP, REAPPOINTED AUGUST 8, 2000, FOR A TERM ENDING SEPTEMBER 30, 2006, AS A MEMBER OF THE BOARD OF REGENTS FOR THE UNIVERSITY OF WASHINGTON.

. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

FEBRUARY 12, 2001

GA 9148 MARTIN F. SMITH, APPOINTED NOVEMBER 28, 2000, FOR A TERM ENDING NOVEMBER 28, 2004, AS A MEMBER OF THE K-20 EDUCATIONAL NETWORK BOARD.

. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SAID APPOINTMENT BE CONFIRMED. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE, SHEAHAN AND B. SHELDON.

PASSED TO THE COMMITTEE ON RULES.

#### INTRODUCTION AND FIRST READING

SB 5999 BY SENATORS B. SHELDON, FAIRLEY, CARLSON, SNYDER, ROSSI, COSTA, EIDE, KLINE AND WINSLEY

AN ACT RELATING TO THE WASHINGTON TELEPHONE ASSISTANCE PROGRAM; AMENDING RCW 80.36.005, 80.36.410, AND 80.36.470; AND PROVIDING AN EXPIRATION DATE.  
REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

SB 6000 BY SENATORS THIBAudeau, HALE, DECCIO, B. SHELDON, COSTA, SHEAHAN, HOCHSTATTER, REGALA, KASTAMA, MCAULIFFE, MORTON, KOHL-WELLES, FINKBEINER, JACOBSEN, HONEYFORD, SWECKER, PRENTICE, LONG, WINSLEY, BENTON, FRASER, OKE, HARGROVE, SPANEL, SHIN, STEVENS, MCCASLIN, FAIRLEY, ZARELLI, CONSTANTINE, BROWN, PATTERSON AND GARDNER

AN ACT RELATING TO AUTHORIZING OPTOMETRISTS TO USE AND PRESCRIBE APPROVED DRUGS FOR DIAGNOSTIC OR THERAPEUTIC PURPOSES WITHOUT LIMITATION UPON THE METHODS OF DELIVERY IN THE PRACTICE OF OPTOMETRY; AND AMENDING RCW 18.53.010, 18.53.140, 69.41.030, AND 69.50.101.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 6001 BY SENATORS CARLSON AND WINSLEY

AN ACT RELATING TO INSPECTIONS OF TENANT DWELLING UNITS BY FIRE DEPARTMENT OFFICIALS FOR FIRE CODE VIOLATIONS; AND REENACTING AND AMENDING RCW 59.18.150.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 6002 BY SENATORS ROSSI, WEST, HALE, WINSLEY AND OKE (BY REQUEST OF GOVERNOR LOCKE)

AN ACT RELATING TO PROPERTY TAX RELIEF BY SPREADING PROPERTY TAX VALUATION INCREASES OVER FOUR YEARS; AMENDING RCW 84.40.0305; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6003 BY SENATORS MORTON, HALE, SHEAHAN, HOCHSTATTER, HONEYFORD, OKE, DECCIO, BENTON, STEVENS, HEWITT, ROACH AND SWECKER

AN ACT RELATING TO CLARIFICATION OF EXEMPTION FROM COMMERCIAL DRIVER'S LICENSE REQUIREMENTS FOR CERTAIN TRUCKS HAULING CHRISTMAS TREES AND WOOD PRODUCTS FROM PRIVATE TREE FARMS; AND AMENDING RCW 46.25.050.  
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 6004 BY SENATORS SNYDER, T. SHELDON, MORTON, HARGROVE AND McDONALD

AN ACT RELATING TO APPLICATION AND REVIEW OF SHORELINE MASTER PROGRAM GUIDELINES ADOPTED AFTER NOVEMBER 1, 2000; AMENDING RCW 90.58.030; ADDING A NEW SECTION TO CHAPTER 90.58 RCW; CREATING A NEW SECTION; AND DECLARING AN EMERGENCY.  
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 6005 BY SENATORS PATTERSON, EIDE, OKE AND CONSTANTINE

AN ACT RELATING TO MANAGEMENT OF STATE-OWNED AQUATIC LANDS; AMENDING RCW 79.90.465, 79.90.475, 79.90.520, AND 79.93.040; AND ADDING NEW SECTIONS TO CHAPTER 79.90 RCW.  
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

**SB 6006** BY SENATORS HAUGEN, GARDNER, PATTERSON AND MCAULIFFE

AN ACT RELATING TO PROVIDING ADDITIONAL CRITERIA IN PRIORITY PROGRAMMING FOR HIGHWAY DEVELOPMENT, MULTIMODAL TRANSPORTATION PLANNING, AND THE TRANSPORTATION IMPROVEMENT BOARD PROGRAM AND PROJECT SELECTION; AND AMENDING RCW 47.05.051, 47.06.040, AND 47.66.040.  
REFERRED TO COMMITTEE ON TRANSPORTATION.

**SB 6007** BY SENATORS PRENTICE, WINSLEY, GARDNER, FRANKLIN, FAIRLEY, KLINE AND COSTA (BY REQUEST OF EMPLOYMENT SECURITY DEPARTMENT)

AN ACT RELATING TO EXTENDING UNEMPLOYMENT INSURANCE COVERAGE TO EMPLOYEES OF INDIAN TRIBES.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

**SB 6008** BY SENATORS EIDE, FINKBEINER, HAUGEN, KLINE, WINSLEY AND MCAULIFFE (BY REQUEST OF OFFICE OF FINANCIAL MANAGEMENT)

AN ACT RELATING TO COMMUTE TRIP REDUCTION INCENTIVES; ADDING NEW SECTIONS TO CHAPTER 82.04 RCW; ADDING NEW SECTIONS TO CHAPTER 82.16 RCW; ADDING A NEW SECTION TO CHAPTER 70.94 RCW; PRESCRIBING PENALTIES; PROVIDING A CONTINGENT EFFECTIVE DATE; AND PROVIDING EXPIRATION DATES.  
REFERRED TO COMMITTEE ON TRANSPORTATION.

**SB 6009** BY SENATORS KOHL-WELLES, LONG, HARGROVE, COSTA AND WINSLEY

AN ACT RELATING TO MAINTAINING THE RESIDENTIAL PARENTING PROGRAM AT THE WOMEN'S CORRECTIONAL CENTER; AMENDING RCW 72.09.010, 72.09.015, 72.09.251, 72.09.450, 72.09.460, AND 72.09.470; ADDING NEW SECTIONS TO CHAPTER 72.09 RCW; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON HUMAN SERVICES AND CORRECTIONS.

**SB 6010** BY SENATORS HAUGEN, OKE AND MCAULIFFE (BY REQUEST OF OFFICE OF FINANCIAL MANAGEMENT)

AN ACT RELATING TO PROCURING NEW AUTO FERRIES; ADDING NEW SECTIONS TO CHAPTER 47.60 RCW; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON TRANSPORTATION.

**SB 6011** BY SENATORS JACOBSEN AND KLINE

AN ACT RELATING TO PROMOTING REGIONAL COORDINATION OF SALMON RECOVERY PLANNING; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

**SB 6012** BY SENATORS HONEYFORD, RASMUSSEN, HOCHSTATTER, HALE AND CARLSON

AN ACT RELATING TO CUSTOMARY AGRICULTURAL PRACTICES IN THE URBAN GROWTH AREA; AND AMENDING RCW 70.94.743.  
HOLD.

**SB 6013** BY SENATORS ROACH AND JOHNSON

AN ACT RELATING TO LAND USE REGULATION AFFECTING PRIVATE EDUCATIONAL AND RELIGIOUS FACILITIES; ADDING A NEW SECTION TO CHAPTER 35.63 RCW; ADDING A NEW SECTION TO CHAPTER 35A.63 RCW; ADDING A NEW SECTION TO CHAPTER 36.70 RCW; AND ADDING A NEW SECTION TO CHAPTER 36.70A RCW.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

**SJR 8216** BY SENATORS ROSSI, WEST, WINSLEY, OKE AND HALE (BY REQUEST OF GOVERNOR LOCKE)

AMENDING THE CONSTITUTION TO ALLOW INCREASES IN THE ASSESSED VALUE OF REAL PROPERTY TO BE PHASED-IN OVER A FOUR-YEAR PERIOD.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 6012 WAS HELD ON THE DESK.

MOTION

AT 12:02 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, FEBRUARY 14, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

THIRTY-SEVENTH DAY, FEBRUARY 13, 2001

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

**THIRTY-EIGHTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Wednesday, February 14, 2001

The Senate was called to order at 10:00 a.m. by President Pro Tempore Franklin. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Zarelli. On motion of Senator Honeyford, Senator Zarelli was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kory Hedrick and Sharae Wheeler, presented the Colors. Reverend Kaaren Nesmith, pastor of the Lacey Presbyterian Church, offered the prayer.

MOTION

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

MOTION

At 10:04 a.m., on motion of Senator Betti Sheldon, the Senate recessed until 10:45 a.m.

The Senate was called to order at 10:51 a.m. by President Pro Tempore Franklin.

MOTION

On motion of Senator McAuliffe, the following resolution was adopted:

SENATE RESOLUTION 2001-8615

***By Senators McAuliffe, Costa and Long***

***WHEREAS, It is the policy of the Washington State Legislature to recognize programs that allow our state's students to pursue their aspirations; and***

***WHEREAS, Automotive Youth Educational Systems provide Washington's students with a school-to-careers connection and is the backbone of a strong, well-educated work force that fosters productivity in business and industry and contributes to Washington's leadership in the marketplace; and***

**WHEREAS, Profound economic and technological changes in our society are rapidly reflected in the structure and nature of work, thereby placing new and additional responsibilities on our educational systems; and**

**WHEREAS, Automotive Youth Educational Systems give high school students experience in practical, meaningful applications of basic skills such as reading, writing and mathematics – thus improving the quality of their education, motivating potential dropouts and giving all students leadership opportunities in their fields and in their communities; and**

**WHEREAS, A model of articulation is provided between the secondary system and post-secondary system, such as Automotive Youth Educational Systems, that allows high school students to progress based on what they know and are able to do;**

**NOW THEREFORE, BE IT RESOLVED, That the members of the Senate do hereby recognize on this day, the efforts of the Puget Sound Automobile Dealers Association, the Washington State Dealers Association, the Automobile Service Association, and Snap On Tools and the value of Automotive Youth Educational Systems; and**

**BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Automotive Youth Educational Systems.**

Senators McAuliffe and Eide spoke to Senate Resolution 2001-8615.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced the students involved with the Automotive Youth Educational Systems and their sponsors, who were seated in the gallery.

#### MOTION

On motion of Senator Swecker the following resolution was adopted:

#### SENATE RESOLUTION 2001-8613

By Senators Zarelli and Swecker

WHEREAS, The Rotary Club of Chehalis #814 received its charter from Rotary International on February 1, 1921, and thus is celebrating its Eightieth Anniversary; and

WHEREAS, the Club counts among its members community leaders in business, the professions and trades; and

WHEREAS, the Club has enriched its community and our world by observing the Rotary Motto, "Service Above Self," and donates thousands of dollars to the local community, sponsors projects and provides "hands-on" service to the youth, the aged, the ill, the poor, the illiterate, the physically challenged, and the environment; and

WHEREAS, the Club is contributing to and supporting the Rotary International's Polio Plus Program to eradicate polio in developing countries and regions worldwide as well as contributing to the Rotary International Foundation to alleviate human suffering throughout the world; and

WHEREAS, the Club provide leadership in forming the Lewis County Rotary Foundation in 1998 which has since raised and contributed \$159,000 to community projects for kids and families; and

WHEREAS, the Rotary Club of Chehalis #814 will officially observe its anniversary with a Gala Celebration on Thursday, February 15, 2001, at the Centralia-Chehalis Elks Lodge #2435 to be attended by the club's members, guests, and dignitaries;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Washington State Senate do hereby honor the Rotary Club of Chehalis #814 on its eightieth birthday, and encourage all citizens to join in this special observance.

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Rotary Club of Chehalis #814 and Rotary International.

#### INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Chehalis Rotary Club President Dave Campbell, Past President John Mosier and member Tawny Allen-Gunn, who were seated in the gallery.

There being no objection, the President Pro Tempore reverted the Senate to the first order of business.

REPORTS OF STANDING COMMITTEES

February 13, 2001

SB 5392 Prime Sponsor, Senator Long: Changing provisions relating to emancipation of minors. Reported by  
Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 13, 2001

SB 5395 Prime Sponsor, Senator Long: Changing provisions relating to the administrator for the courts. Reported by  
Committee on Judiciary

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach and Thibaudeau.

Referred to Committee on Ways and Means.

February 13, 2001

SB 5451 Prime Sponsor, Senator Costa: Establishing a cause of action for crimes of violence motivated by gender. Reported by  
Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Kastama, Long, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 13, 2001

SB 5459 Prime Sponsor, Senator Roach: Establishing the crime of mail theft or receipt of stolen mail. Reported by  
Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Long, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 13, 2001

SB 5472 Prime Sponsor, Senator Johnson: Changing provisions relating to termination of municipal courts and service contracts. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5472 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 12, 2001

SB 5515 Prime Sponsor, Senator Roach: Establishing a state veterans' song. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Kline, McCaslin, Roach, T. Sheldon and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Haugen and Horn.

Passed to Committee on Rules for second reading.

February 13, 2001

SB 5570 Prime Sponsor, Senator Prentice: Protecting credit union directors and committee members. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, West and Winsley.

Passed to Committee on Rules for second reading.

February 13, 2001

SB 5591 Prime Sponsor, Senator Zarelli: Providing a sole caregiver jury duty exemption. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin, Roach and Thibaudeau.

Passed to Committee on Rules for second reading.

February 12, 2001

SB 5608 Prime Sponsor, Senator Patterson: Authorizing the state treasurer to distribute interest from the local leasehold excise tax account. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 12, 2001

SB 5609 Prime Sponsor, Senator Patterson: Reconciling conflicting provisions in laws pertaining to cities and towns. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 12, 2001

SB 5615 Prime Sponsor, Senator Costa: Authorizing address confidentiality for victims of stalking. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 12, 2001

SB 5629 Prime Sponsor, Senator Patterson: Changing the office of financial management's budgeting, accounting, and reporting requirements for state agencies. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 13, 2001

SB 5653 Prime Sponsor, Senator Prentice: Prioritizing and ordering the distribution of claims of an insurer's estate. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 12, 2001

SB 5683 Prime Sponsor, Senator Horn: Adding an ex officio member to the building code council. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 12, 2001

SB 5695 Prime Sponsor, Senator Eide: Creating alternative routes to teacher certification. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5695 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kohl-Welles, Prentice, Rasmussen and Zarelli.

Referred to Committee on Ways and Means.

February 12, 2001

SJM 8011 Prime Sponsor, Senator Prentice: Asking that the federal government provide veterans' benefits owed to Filipino veterans. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Hale, Haugen, Horn, Kline, McCaslin, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

February 13, 2001

SCR 8403 Prime Sponsor, Senator T. Sheldon: Promoting state and tribal relations. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Concurrent Resolution No. 8403 be substituted therefor, and the concurrent resolution do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Johnson, Kastama, Long, McCaslin and Roach.

Passed to Committee on Rules for second reading.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6014 by Senators Rasmussen, Horn, Carlson and Honeyford

AN ACT Relating to authorizing certain residential property management entities to perform work on the owner's residential property; and amending RCW 19.28.261 and 18.27.090. Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6015 by Senators Fairley and Zarelli (by request of Governor Locke, Department of Community, Trade, and Economic Development and Public Works Board)

AN ACT Relating to public works board projects; amending RCW 43.155.010, 43.155.020, 43.155.065, 43.155.068, and 43.155.070; and reenacting and amending RCW 43.155.050.  
Referred to Committee on Ways and Means.

SB 6016 by Senator Sheahan

AN ACT Relating to conservation district liability; and amending RCW 70.94.654.  
Referred to Committee on Agriculture and International Trade.

SB 6017 by Senators McDonald, T. Sheldon, Rossi, Oke and Johnson

AN ACT Relating to creating the education and transportation funding act of 2001; adding a new section to chapter 41.06 RCW; adding a new section to chapter 43.88 RCW; creating a new section; repealing RCW 41.06.380 and 41.06.382; and providing for submission of this act to a vote of the people.  
Referred to Committee on Ways and Means.

SB 6018 by Senators McDonald and Morton

AN ACT Relating to incentives for water-efficient irrigation systems; amending RCW 90.42.020 and 90.03.380; and adding new sections to chapter 90.42 RCW.  
Referred to Committee on Environment, Energy and Water.

SB 6019 by Senators McDonald, Jacobsen, Prentice, Morton, Hale and Swecker

AN ACT Relating to applications for diversion of water for municipal purposes; and amending RCW 90.03.290.  
Referred to Committee on Environment, Energy and Water.

SB 6020 by Senators Thibaudeau, Deccio and Costa

AN ACT Relating to access to dental care; and creating a new section.  
Referred to Committee on Health and Long-Term Care.

SB 6021 by Senator Prentice

AN ACT Relating to shared lottery games; and adding a new section to chapter 67.70 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6022 by Senators West, Prentice, Patterson, Roach, Rasmussen and Snyder

AN ACT Relating to changing from five years to fifteen years the time that certain amounts are awarded to owners and breeders; and amending RCW 67.16.102 and 67.16.175.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6023 by Senators Horn, T. Sheldon and McCaslin

AN ACT Relating to growth management hearings boards; amending RCW 36.70A.270, 36.70A.280, 36.70A.290, 36.70A.295, 36.70A.300, 36.70A.310, 36.70A.320, and 36.70A.340; adding a new section to chapter 36.70A RCW; recodifying RCW 36.70A.340; and repealing RCW 36.70A.302 and 36.70A.330.  
Referred to Committee on State and Local Government.

SB 6024 by Senators Deccio and Costa

AN ACT Relating to unallowable nursing home costs; and amending RCW 74.46.410.  
Referred to Committee on Health and Long-Term Care.

SB 6025 by Senators Eide, Patterson, Franklin, Fairley, Kline, Regala, Fraser, Thibaudeau, Spanel and Honeyford

AN ACT Relating to the use of gasoline additives; and adding a new section to chapter 19.112 RCW.  
Referred to Committee on Environment, Energy and Water.

SB 6026 by Senators Patterson, Roach, Winsley and Costa

AN ACT Relating to affordable housing opportunities; amending RCW 36.70A.215; creating a new section; and providing an effective date.  
Referred to Committee on State and Local Government.

SB 6027 by Senators Fraser, Winsley and Finkbeiner (by request of Governor Locke)

AN ACT Relating to diversification of state electricity supply and demand management; amending RCW 80.60.005 and 80.60.010; adding new sections to chapter 80.60 RCW; adding a new section to chapter 43.21F RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.16 RCW; creating new sections; and providing expiration dates.  
Referred to Committee on Environment, Energy and Water.

SB 6028 by Senators Kohl-Welles, Shin, Sheahan, Jacobsen, Spanel, Costa, Kline and McAuliffe

AN ACT Relating to directing the state board for community and technical colleges to develop principles and guidelines for part-time faculty hiring and employment; adding a new section to chapter 28B.50 RCW; and creating new sections.  
Referred to Committee on Higher Education.

SB 6029 by Senators Rasmussen, Jacobsen, Spanel and Regala

AN ACT Relating to the protection of elk; and adding a new section to chapter 77.36 RCW.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6030 by Senators Regala, Jacobsen, Spanel, Kohl-Welles and Fairley

AN ACT Relating to maximizing the use of state-owned natural resources facilities; and creating new sections.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6031 by Senators Jacobsen, Spanel, Regala, Kohl-Welles and Fairley

AN ACT Relating to a conservation pass; and creation new sections.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6032 by Senators Haugen and Morton

AN ACT Relating to an evaluation of the need for a separate department of aviation; and creating a new section.  
Referred to Committee on Transportation.

SB 6033 by Senators Kohl-Welles and Costa (by request of Committee on Advanced College Tuition Payment and State Treasurer Murphy)

AN ACT Relating to college payment programs; amending RCW 28B.95.020, 28B.95.110, and 43.79A.040; adding a new section to chapter 28B.95 RCW; providing an effective date; and declaring an emergency.  
Referred to Committee on Higher Education.

SB 6034 by Senators Fraser and Finkbeiner

AN ACT Relating to a state wireless enhanced 911 excise tax; amending RCW 38.52.010, 38.52.530, 38.52.540, 38.52.550, 82.14B.020, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.061, and 82.14B.200; adding new sections to chapter 38.52 RCW; creating a new section; repealing RCW 38.52.560; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 6035 by Senators Kohl-Welles, Jacobsen, Costa and Kline

AN ACT Relating to directing the state board for community and technical colleges to create a college board job bank; and adding a new section to chapter 28B.50 RCW.  
Referred to Committee on Higher Education.

SB 6036 by Senators Eide, Benton, Winsley, Oke, Long, Stevens, Johnson, Finkbeiner, Hale, Hochstatter, Carlson, Swecker, Rossi, Roach, T. Sheldon, Patterson and Kastama

AN ACT Relating to local motor vehicle excise taxes; creating a new section; repealing RCW 35.58.273, 35.58.274, 35.58.275, 35.58.276, 35.58.277, 35.58.278, 35.58.279, 35.58.2791, and 35.58.2792; providing a retroactive effective date; and declaring an emergency.  
Referred to Committee on Transportation.

SB 6037 by Senators Prentice, Kohl-Welles and Parlette

AN ACT Relating to authorizing animal care and control agencies and nonprofit humane societies to provide limited veterinarian services; and adding a new section to chapter 18.92 RCW.  
Referred to Committee on Agriculture and International Trade

#### MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 6017 was referred to the Committee on Ways and Means.

On motion of Senator Betti Sheldon, Senate Bill No. 6025 was referred to the Committee on Environment, Energy and Water.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6037 was referred to the Committee on Agriculture and International Trade.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5959, which was held on the desk February 9, 2001, was referred to the Committee on Transportation.

#### POINT OF INQUIRY

Senator Sheahan: "Senator Snyder, last week we were debating Senate Bill No. 5959 and you indicated that you understood that this body had intended to repeal the motor vehicle excise tax and that you intended for us to work on this matter through the normal committee process. Can you give this body an assurance that this bill will move expeditiously through the committee process and ultimately be brought to the floor?"

Senator Snyder: "The bill has been referred to the Transportation Committee and it will take a few days to schedule a hearing, but I think this is the proper way to go. We shouldn't be debating these bills on the floor. We should be sending them to committee. We should give the public an opportunity to participate in the process and I think it is the intention of most all the members on my side of the aisle to do what was the intent originally when the legislation was passed here. We made a glitch in it and we want to make sure there are no glitches in it this time. I am sure that we will move the bill expeditiously."

#### MOTION

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

## SECOND READING

SENATE BILL NO. 5130, by Senators Oke, B. Sheldon, T. Sheldon, Horn, Haugen, Swecker, McCaslin, Morton, Snyder, Hale, Kastama, Prentice, Regala, Jacobsen, Hargrove, Spanel, West, Finkbeiner, Long, McDonald, Winsley, McAuliffe and Costa.

Clarifying toll procedures in public-private initiatives.

The bill was read the second time.

## MOTION

Senator Rasmussen moved that the following amendment be adopted:

On page 7, after line 10, insert the following:

**"Sec. 6.** RCW 47.46.050 and 1995 2nd sp.s. c 19 s 4 are each amended to read as follows:

(1) The department may enter into agreements using federal, state, and local financing in connection with the projects, including without limitation, grants, loans, and other measures authorized by section 1012 of ISTEPA, and to do such things as necessary and desirable to maximize the funding and financing, including the formation of a revolving loan fund to implement this section.

(2) Agreements entered into under this section shall authorize the private entity to lease the facilities within a designated area or areas from the state and to impose user fees or tolls within the designated area to allow a reasonable rate of return on investment, as established through a negotiated agreement between the state and the private entity. The negotiated agreement shall determine a maximum rate of return on investment, based on project characteristics. If the negotiated rate of return on investment is not affected, the private entity may establish and modify toll rates and user fees. A requested modification in the toll rate or user fees authorized under this chapter that would result in a rate or fees greater than that rate or fee established and approved by the voters in the advisory vote will automatically place the individual public-private initiatives project, from the request date forward, under the control and governance of the Washington utilities and transportation commission as if the private entity were a "service company" and requires that entity to comply with all laws, rules, and regulations implemented or imposed by the utilities and transportation commission.

(3) Agreements may establish "incentive" rates of return beyond the negotiated maximum rate of return on investment. The incentive rates of return shall be designed to provide financial benefits to the affected public jurisdictions and the private entity, given the attainment of various safety, performance, or transportation demand management goals. The incentive rates of return shall be negotiated in the agreement.

(4) Agreements shall require that over the term of the ownership or lease the user fees or toll revenues be applied only to payment of the private entity's capital outlay costs for the project, including project development costs, interest expense, the costs associated with design, construction, operations, toll collection, maintenance and administration of the project, reimbursement to the state for all costs associated with an election as required under RCW 47.46.030, the costs of project review and oversight, technical and law enforcement services, establishment of a fund to assure the adequacy of maintenance expenditures, and a reasonable return on investment to the private entity. A negotiated agreement shall not extend the term of the ownership or lease beyond the period of time required for payment of the private entity's capital outlay costs for the project under this subsection."

Renumber the sections following consecutively and correct any internal references accordingly.

## POINT OF INQUIRY

Senator Rasmussen: "Senator Haugen, the reason the amendment is brought before us is because of the oversight authority on the toll of the bridge. The amendment states that the oversight authority would be with the Utilities and Transportation Commission. I would like to ask you if this is the appropriate agency for giving the public some assurance that these tolls will remain in a fixed booth?"

Senator Haugen: "Thank you very much for that question. In 1995, there was a great deal of concern about who would have the authority to set these tolls, so at that time we put in a nonprofit group, who then set the tolls, but actually acts like a toll authority. Over the years, we have built lots of bridges using tolls and we have generally used a toll authority. Never, have we ever used the Utilities and Transportation Commission as an agency to deal with tolls. This is an inappropriate agency. We do believe the safe guards are in there for the public nonprofit organization that is the oversight and, in essence, is the tolling authority."

Senator Rasmussen: "Thank you. My concern was the oversight authority on the toll and with that and with the answer from the kind gentle Senator from the Tenth District, I will withdraw the amendment."

## WITHDRAWAL OF AMENDMENT

There being no objection, Senator Rasmussen withdrew the amendment on page 7, after line 10, to Senate Bill No. 5130.

## MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5130 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

## POINT OF INQUIRY

Senator Long: "Senator Oke, will this bill affect any other transportation facility or impact any other road or bridge?"

Senator Oke: "Thank you for that question, Senator Long. I made a pledge at the beginning of this process that I would not try to get this bridge built at the expense of other projects or anyone else's district, and I kept that pledge. We have worked very hard to ensure that this bill is drafted simply to respond to the Supreme Court's November decision on the bridge and nothing further. The language in this bill is limited to the Tacoma Narrows Bridge, which is the only public-private partnership project currently authorized and underway. Because of this limiting language, this bill will have no impact on any other project, road or bridge. This bill does not open the door to tolling for any other facility in the state. It is absolutely not a method to allow the DOT to collect any other tolls now or in the future. It simply responds to the Supreme Court's ruling and allows this project to go forward as originally envisioned and authorized by this body approximately eight years ago."

Senator Long: "Thank you, Senator Oke, and those who have had the proposal of the toll road in their district should be reassured by having this language on the record to clearly establish legislative intent."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 5130.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5130 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 10; Absent, 0; Excused, 1.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Finkbeiner, Franklin, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, West and Winsley - 38.

Voting nay: Senators Benton, Constantine, Fairley, Fraser, Hochstatter, Patterson, Rasmussen, Roach, Stevens and Thibaudeau - 10.

Excused: Senator Zarelli - 1.

SENATE BILL NO. 5130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## PERSONAL PRIVILEGE

Senator Betti Sheldon: "A point of personal privilege, Madam President. I would just like to acknowledge the work of Senator Bob Oke. I think he has gone above and beyond and I know it has been very difficult--and very personally difficult--for him. Congratulations, Senator Oke."

## PERSONAL PRIVILEGE

Senator Oke: "A point of personal privilege, Madam President. I want to thank each and everyone of you for this vote. Again, it wasn't easy; it was very difficult for all of us. I am convinced that we are moving ahead. I am convinced we have done the right thing and I think doing the right thing will show up years later. Again, God Bless each one of you for being with me. Happy Valentine's Day and I am going to end a lot of your e-mails today. Thank you."

## PERSONAL PRIVILEGE

Senator Constantine: "Madam President, I rise to a point of personal privilege. Well, I have taken a fair piece of ribbing here for being among the last to bring my gifts honoring my fellow Senators--for allowing me the privilege of speaking on this floor. But, at last, it has arrived. I trust it is something that, after a contentious vote, will sweeten the dispositions of my fellow Senators. I am from the Thirty-fourth Legislative District, which includes West Seattle, Vashon and Maury Islands and Burien. The gift on your desk has come in a plastic ice cream bucket and

that is representing West Seattle. It is from the Husky Delicatessen. As you might recall, the other day during the hazing period of the floor speeches, Senator Kline suggested that I go to Husky Deli and pick up some treats. Now, he wanted me to bring sausage, but I thought that was a little uninteresting.

"So, today, inside your ice cream bucket, you will find a few treats. I should say, first of all, the Husky Deli, is really a cornerstone of our West Seattle community. It was founded in 1932 and is now in its third generation of family ownership. It is the place where new Representative Joe McDermott got his start in the working world, along with probably hundreds of other West Seattle kids. I'll come back to the Husky Deli issue in a second. I do want to point out that the Husky theme and the purple grass in here, while highlighting my partisanship to the University of Washington, by no means is intended as a slight against those partisans of lesser institutions in this state. But I digress--I move on to Vashon and Maury Island, home of retired Governors and some of the most activist constituents you will every meet. Whether it is rising ferry fares or disappearing gravel, they are always at our door and, in fact, you will see many of them here next Wednesday, I believe, protesting about the ferry fares.

"But, they are very industrious on Vashon Island. In addition to producing K-2 Skies and many other fine products, they have a good agricultural industry. One of the oldest agricultural concerns on the Island is Wax Orchards, which was founded in 1920 and began selling retail produce in the 1930s. They have a line of dessert toppings which they have been kind enough to provide. This one happens to be both fat and sugar free. However, I should caution you that it is not calorie free. There are twenty-two servings in this container at forty-five calories apiece, so don't just pop the top off and dig in. You will also find some candy in honor of Valentine's Day. The female members of the body got little candy hearts, but I thought some of you guys might be a little squeamish about that, so I got you Reece's Peanut Butter Cups instead.

"Representing Burien, home of a very noisy airport and an expensive proposed third runway, I procured for you some earplugs in case you would like to come visit that part of the district. They also could be used well in Senator Patterson's district up around the airport.

"Now, back to Husky Deli, Madam President, if I may in conclusion, as Senator Clinton would have said. I thought some of you might be disappointed to open the ice container and find it empty of ice cream. So, I have had my trusty session aide and West Seattle resident, Bruce Eklund, stop this morning at the Husky Deli and bring down a pint of premium ice cream for each one of you, along with a couple of extra half gallons for the Senate dining room. Those will be available to you today if you like, but I would suggest you wait until Friday to pick them up, because the freezer in our Senate dining room is broken. The House of Representatives has been kind enough to accommodate us. As soon as the freezer here is back in service, we will haul them over and you can just ask downstairs for your pint of ice cream. They are in various flavors, probably something to suit each one of you, but it is first come, first serve. So, if you don't like vanilla, you better be first in line and not last.

"Thank you for your consideration and for allowing me to remain here even after that horrid speech I gave the other day. I trust I have more views to come. Thank you, Madam President."

#### POINT OF INQUIRY

Senator Hargrove: "Senator Constantine, can you guarantee the House members won't eat our ice cream before Friday?"

Senator Constantine: "Thank you for that question, Senator Hargrove. I trust that the House members will be concerned about the fate of their bills as they work their way through the legislative process--and even the temptation of this great ice cream--will not cause them to throw away their legislative session. Thank you."

#### PERSONAL PRIVILEGE

Senator McCaslin: "A point of personal privilege. I think I can get total agreement on this. Would you pass out the earplugs before your next speech?"

#### PERSONAL PRIVILEGE

Senator Constantine: "Madam President, if I may respond? That sir, was a soft ball tossed to you. I knew you would hit it out of the park."

Senator McCaslin: "Well, the distinguished gentlemen from the Thirty-fourth District, being an attorney, I just want to correct something. Of course, he is from the House. This does make a difference, but a thirty-eight, ten vote is not contentious. Twenty-five, twenty-four is contentious, regardless of which way it goes. I will be looking forward to the ice cream very much and I hope the freezer down there keeps it cool for quite a while. But, the earplugs, I have to say--we need them desperately in here. We may need more before this session is over, also."

#### PERSONAL PRIVILEGE

Senator Sheahan: "A point of personal privilege, Madam President. I did have to respond to the comment about lesser institutions. If you would all look at your jar for the ingredients. It includes grapes, peaches and pears. Now, we all know that the tremendous institution that does ag research on grapes, peaches and pears is not the institution in Seattle, but the wonderful institution in Pullman. I hope the gentlemen from the Thirty-fourth District will be very supportive of all the ag research that has made sure that this product can go to market. Thank you."

#### PERSONAL PRIVILEGE

Senator Parlette: "A point of personal privilege, Madam President. I would like to make a comment to the good Senator from the Thirty-fourth District. First of all, I would like to thank you, because although I see that it says, 'Husky' on the little container we have, I have been told that the ice cream is Crimson and Grey and I would like to thank you."

#### MOTION

At 11:39 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 1:20 p.m., Thursday, February 15, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

#### JOURNAL OF THE SENATE

THIRTY-EIGHTH DAY, FEBRUARY 14, 2001

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#### THIRTY-NINTH DAY

#### AFTERNOON SESSION

Senate Chamber, Olympia, Thursday, February 15, 2001

The Senate was called to order at 1:20 p.m. by President Pro Tempore Franklin. No roll call was taken.

#### MOTION

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

#### REPORTS OF STANDING COMMITTEES

February 13, 2001

SB 5266 Prime Sponsor, Senator Patterson: Providing a tax exemption for thoroughbred horses. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5266 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Franklin, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Referred to Committee on Ways and Means.

February 14, 2001

SB 5335 Prime Sponsor, Senator Snyder: Revising the authority of the statewide enhanced 911 program to support the statewide enhanced 911 system. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5335 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

February 14, 2001

SB 5341 Prime Sponsor, Senator Finkbeiner: Prohibiting recorded telephone messages. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5341 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

February 14, 2001

SB 5418 Prime Sponsor, Senator Long: Requiring providing of chemical dependency treatment services upon request. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5418 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Referred to Committee on Ways and Means.

February 14, 2001

SB 5469 Prime Sponsor, Senator T. Sheldon: Changing provisions for tax deferrals in rural counties and community empowerment zones. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5469 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Referred to Committee on Ways and Means.

February 14, 2001

SB 5614 Prime Sponsor, Senator T. Sheldon: Exempting certain financial or proprietary information provided to the department of community, trade, and economic development from public disclosure. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Brown, Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

February 14, 2001

SB 5800 Prime Sponsor, Senator Prentice: Exempting certain records requested by port districts from public inspection and copying. Reported by Committee on State and Local Government

MAJORITY Recommendation: That the bill be referred to Committee on Labor, Commerce and Financial Institutions without recommendation. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Gardner, Kline, McCaslin, T. Sheldon and Swecker.

Referred to Committee on Labor, Commerce and Financial Institutions.

MESSAGE FROM THE HOUSE

February 13, 2001

MR. PRESIDENT:

The House has passed:  
ENGROSSED HOUSE BILL NO. 1015,  
HOUSE BILL NO. 1026, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk  
TIMOTHY A. MARTIN, Co-Chief Clerk

## INTRODUCTION AND FIRST READING

SB 6038 by Senator Honeyford

AN ACT Relating to authorizing service credit for half-time employment by certain teachers; and amending RCW 41.32.812.  
Referred to Committee on Ways and Means.

SB 6039 by Senators Honeyford, Hale, Deccio, Parlette, Morton, Hochstatter, Hewitt and Stevens

AN ACT Relating to water resources; amending RCW 77.85.050, 90.82.040, 90.82.130, 90.80.100, 90.80.130, 90.80.010, 90.80.070, 90.80.120, 90.80.140, 90.80.050, 90.03.380, 90.66.040, 90.66.060, 90.14.140, 90.38.020, 90.38.040, 90.42.040, 90.42.080, 90.03.330, 90.44.100, 90.03.390, 90.14.043, 90.14.160, 90.14.170, 90.14.180, 90.46.005, 90.46.010, 90.03.252, and 90.44.062; adding a new section to chapter 90.80 RCW; adding new sections to chapter 90.03 RCW; adding a new section to chapter 90.66 RCW; adding a new section to chapter 90.46 RCW; creating new sections; and declaring an emergency.  
Referred to Committee on Environment, Energy and Water.

SB 6040 by Senator Rasmussen

AN ACT Relating to modifying landfill facility operations to receive waste from out-of-area sources; and amending RCW 70.95.180 and 70.95.185.  
Referred to Committee on Environment, Energy and Water.

SB 6041 by Senators Constantine and Patterson

AN ACT Relating to hazardous substance deposits on lesser contaminated sites; amending RCW 70.105D.020, 70.105D.050, and 70.105D.080; adding a new section to chapter 70.105D RCW; creating a new section; prescribing penalties; and declaring an emergency.  
Referred to Committee on Environment, Energy and Water.

SB 6042 by Senator Sheahan

AN ACT Relating to appropriations for transit systems; and adding a new section to chapter 43.88 RCW.  
Referred to Committee on Transportation.

SB 6043 by Senator Finkbeiner

AN ACT Relating to discarded vehicle tires; amending RCW 70.95.260, 70.95.510, 70.95.520, 70.95.530, 70.95.535, and 70.95.565; amending 2000 c 150 s 1 (uncodified); amending 2000 c 150 s 2 (uncodified); reenacting and amending RCW 70.95.020; adding a new section to chapter 70.95 RCW; providing effective dates; providing an expiration date; and declaring an emergency.  
Referred to Committee on Environment, Energy and Water.

SB 6044 by Senator Finkbeiner

AN ACT Relating to on-site sewage disposal systems; amending RCW 70.118.020; adding a new section to chapter 70.118 RCW; adding a new section to chapter 18.210 RCW; creating new sections; and prescribing penalties.  
Referred to Committee on Environment, Energy and Water.

SB 6045 by Senator Finkbeiner

AN ACT Relating to incentives to encourage the use of grass or straw-based materials in construction; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.  
Referred to Committee on Environment, Energy and Water.

SB 6046 by Senators Finkbeiner and Eide

AN ACT Relating to the control of dioxin; amending RCW 70.105.010, 70.95C.020, 70.95E.010, 70.105.020, and 70.105D.020; adding new sections to chapter 70.105 RCW; creating new sections; and providing effective dates.  
Referred to Committee on Environment, Energy and Water.

SB 6047 by Senators Finkbeiner and Eide

AN ACT Relating to prohibiting the use of mixing zones for persistent bioaccumulative toxic pollutants; amending RCW 90.48.010, 90.48.020, and 90.48.080; adding a new section to chapter 90.48 RCW; and creating a new section.  
Referred to Committee on Environment, Energy and Water.

SB 6048 by Senator McCaslin

AN ACT Relating to ending partisan primaries; amending RCW 29.01.130, 29.01.100, 29.01.160, 29.15.120, 29.15.150, 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.040, 29.24.070, 29.18.160, 29.27.030, 29.30.005, 29.30.020, 29.30.040, 29.30.101, 29.42.010, 29.42.040, 29.42.050, 29.62.100, 29.68.080, 29.68.100, 29.68.120, and 29.68.130; adding a new section to chapter 29.24 RCW; recodifying RCW 29.18.160; and repealing RCW 29.01.090, 29.15.230, 29.18.010, 29.18.120, 29.18.150, 29.18.200, and 29.30.095.  
Referred to Committee on State and Local Government.

SB 6049 by Senator Deccio

AN ACT Relating to regulating the charitable gift annuity business; adding a new section to chapter 48.38 RCW; and creating new sections.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6050 by Senators Morton, Oke and Stevens

AN ACT Relating to remote site incubators; amending RCW 77.95.200; adding a new section to chapter 77.95 RCW; creating new sections; and making appropriations.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6051 by Senators Shin, Swecker and T. Sheldon

AN ACT Relating to zoning exclusively for manufactured housing communities; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6052 by Senators Constantine, Hale and Costa

AN ACT Relating to extending the period of court jurisdiction; and amending RCW 35.20.255, 3.50.330, and 3.66.068.  
Referred to Committee on Judiciary.

SB 6053 by Senators Shin, Oke and Haugen

AN ACT Relating to state route number 526; and amending RCW 47.17.740.  
Referred to Committee on Transportation.

SB 6054 by Senators McDonald, Kline, Rossi and Rasmussen

AN ACT Relating to general license fees; and adding a new section to chapter 35.21 RCW.  
Referred to Committee on State and Local Government.

SB 6055 by Senators Long, Hargrove and Stevens

AN ACT Relating to evaluating children within the foster care agency caseload; and amending RCW 74.14A.050.  
Referred to Committee on Human Services and Corrections.

SB 6056 by Senators Long, Hargrove, Costa, Stevens and Kohl-Welles

AN ACT Relating to the department of social and health services coordination of services for children and families in child dependency cases; adding a new section to chapter 13.34 RCW; and creating new sections.  
Referred to Committee on Human Services and Corrections.

SB 6057 by Senators T. Sheldon and Roach

AN ACT Relating to incorporating effective economic development planning into growth management planning; amending RCW 36.70A.020, 36.70A.030, 36.70A.070, and 36.70A.210; creating a new section; and providing an effective date.  
Referred to Committee on Economic Development and Telecommunications.

SB 6058 by Senators Hochstatter, Swecker and Stevens

AN ACT Relating to science textbooks; and adding a new section to chapter 28A.150 RCW.  
Referred to Committee on Education.

SB 6059 by Senators Fraser, Constantine, Winsley and Kohl-Welles (by request of Department of Revenue)

AN ACT Relating to restructuring the litter tax and a portion of the hazardous substance tax to simplify the taxes while maintaining funding; amending RCW 82.04.270, 82.04.272, and 82.21.020; reenacting and amending RCW 82.04.250; adding new sections to chapter 82.04 RCW; creating new sections; repealing RCW 82.19.010, 82.19.020, 82.19.030, 82.19.040, and 82.19.050; and providing an effective date.  
Referred to Committee on Environment, Energy and Water.

SB 6060 by Senator Fraser (by request of Department of Revenue)

AN ACT Relating to updating references for purposes of the hazardous substance tax for periods beginning August 1, 2001; amending RCW 82.21.020; and providing an effective date.  
Referred to Committee on Environment, Energy and Water.

SB 6061 by Senator Patterson

AN ACT Relating to requiring quarterly meetings of municipal firemen's pension boards; and amending RCW 41.16.030.  
Referred to Committee on Ways and Means.

SB 6062 by Senators Benton and Deccio

AN ACT Relating to minimum standards for first responder and emergency medical technician training; and amending RCW 18.73.081.  
Referred to Committee on Health and Long-Term Care.

SB 6063 by Senators Benton and Carlson

AN ACT Relating to certified public accountants; and amending RCW 18.04.345.  
Referred to Committee on Labor, Commerce and Financial Institutions.

SJM 8016 by Senators Shin, Rasmussen and Sheahan

Emphasizing free and fair trade of aquaculture products between the United States and Canada.

Referred to Committee on Agriculture and International Trade.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 1015 by Representatives Pennington, Mielke, Schindler, Ogden, Esser, Ruderman, Linville, Pearson, Ericksen, Morell and Talcott

Prohibiting methyl tertiary-butyl ether as a gasoline additive.

Referred to Committee on Environment, Energy and Water.

HB 1026 by Representatives O'Brien, Lovick, Hurst, Ballasiotes, Ahern and Kagi (by request of Department of Corrections)

Authorizing the department of corrections to detain, search, or remove persons who enter correctional facilities or institutional grounds.

Referred to Committee on Human Services and Corrections.

#### MOTION

At 1:22 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease to retire to the House of Representatives for the purpose of a Joint Session.

#### **JOINT SESSION**

The Sergeant at Arms of the House announced the arrival of the Senate at the bar of the House.

Co-Speaker Pro Tempore Pennington instructed the Sergeants at Arms of the House and Senate to escort President Pro Tempore Rosa Franklin, Majority Leader Sid Snyder and Minority Leader Jim West to seats on the rostrum.

Co-Speaker Pro Tempore Pennington invited the Senators to seats within the House Chamber.

Co-Speaker Pro Tempore Pennington presented the gavel to President Pro Tempore Franklin.

The Clerk of the House called the roll of members of the Senate and House.

The Clerk of the House called the roll of the former members of the Senate and House who were present:

Senator Del Bausch    Senator Pete Francis  
Commissioner of Public Lands Jennifer Belcher    Senator Marc Gaspard  
Senator Rick Bender    State Auditor Robert Graham  
Representative Art Brown    Senator H. B. Hanna  
Representative Patty Butler    Representative Richard King  
Senator Paul Connor    Senator Bill Kiskaddon  
Representative Thomas Copeland    Representative Paul Sanders  
Senator Carol (Monahon) Conley    Representative Doug Sayan  
Representative Phil Dyer    Representative Joe Taller  
Speaker Wayne Ehlers    Representative Mike Todd  
Senator Tim Erwin    Representative William Young

The President Pro Tempore welcomed and introduced the state elected officials present in the chamber: Governor Gary Locke, State Treasurer Mike Murphy, Superintendent of Public Instruction Terry Bergeson, Insurance Commissioner Mike Kreidler and Commissioner of Public Lands Doug Sutherland.

The Colors were presented by the Washington State Patrol Color Guard.

The President Pro Tempore led the body in the Pledge of Allegiance.

#### REMARKS BY PRESIDENT PRO TEMPORE FRANKLIN

President Pro Tempore Franklin: "Honored members of the Legislature, ladies and gentlemen. The purpose of this Joint Session is to conduct memorial services in memory of departed former members of the Legislature. The President, at this time, would like to respectfully present the gavel to the Honorable John Pennington, Co-Speaker Pro Tempore of the House of Representatives."

President Pro Tempore Franklin presented the gavel to Co-Speaker Pro Tempore Pennington. Co-Speaker Pro Tempore Pennington introduced Co-Speaker Pro Tempore Val Ogden.

#### REMARKS BY CO-SPEAKER PRO TEMPORE OGDEN

Co-Speaker Pro Tempore Ogden: "We are assembled today to pay tribute to the lives and services of the distinguished former members of the Senate and House of Representative of the state of Washington who are no longer with us. On behalf of the people of our state, the Fiftieth-seventh Legislature of the state of Washington conveys its respects to those deceased legislators who once sat in the Chambers of the House and Senate, as we are doing today, and answered roll calls on sometimes critical perplexing bills, attended committee meetings and above all else, served to the best of their abilities in order to make our state a better and more enriching place in which to live. While their journey in this life is completed, their achievements, records and valued services have been recorded in the Journals of the Senate and House and are now a permanent part of the history of the state of Washington.

"We express our sympathies to the bereaved families and their friends and also share with them on this memorable occasion the fond and happy memories of these legislators, who served us well and responsibly. They truly loved this great state of Washington. They have indeed left a legacy of dedicated service that will remain as a reminder to us of our responsibilities and the opportunity we have to serve our state."

Co-Speakers Pro Tempore Pennington and Ogden called the roll for the deceased former members of the Senate and House of Representatives.

#### MEMORIAL PROGRAM

**Presiding: President Pro Tempore of the Senate Rosa Franklin**

**Co-Speaker Pro Tempore John Pennington  
Co-Speaker Pro Tempore Val Ogden**

#### INVOCATION

by  
**Co-Speaker Clyde Ballard**

***On Eagles Wings***  
**Legislative Choir**  
**Guest Director, Irv Martin**  
**Accompanist, Art Peterson**

#### MEMORIAL TRIBUTE

by  
**Co-Speaker Pro Tempore Val Ogden**

#### CANDLE SERVICE

**IN MEMORIAM**

**BOB BASICH**

*Nineteenth District, Served in the House from 1985 to 1997  
Memorialized by Senator Sid Snyder*

**FRANK "BUSTER" BROULLIET**

*Twenty-fifth District, Served in the House from 1957 to 1973  
Memorialized by Representative Sam Hunt*

**ERNIE CRANE**

*Thirty-first District, Served in the House from 1983 to 1991  
Memorialized by Senator Mary Margaret Haugen*

**JOHN FISCHER**

*Twenty-first District, Served in the House from 1975 to 1979  
Memorialized by Representative Mike Cooper*

**WILLIAM FULLER**

*Twentieth District, Served in the House from 1977 to 1981  
Served in the Senate from 1981-1985  
Memorialized by Representative Richard DeBolt*

**CHARLIE HODDE**

*Second District, Served in the House from 1937 to 1939, 1943 to 1953  
Speaker 1949 to 1953  
Memorialized by Representative Helen Sommers*

**VAUGHN HUBBARD**

*Eleventh District, Served in the House from 1967 to 1973  
Memorialized by Representative Dave Mastin*

**MERLE HUFFORD**

*Twenty-fourth District, Served in the House from 1947 to 1949  
Memorialized by Senator Karen Fraser*

**GEORGE HURLEY**

*Thirty-seventh District and Forty-fourth District, Served in the House from 1943 to 1947 and 1975 to 1979  
Memorialized by Senator Jeanne Kohl-Welles*

**ELMER HYPPA**

*Twenty-fifth District, Served in the House from 1953 to 1957  
House Sergeant at Arms from 1957 to 1967  
Memorialized by Senator Rosemary McAuliffe*

**MIKE McMANUS**

*Twenty-first District, Served in the Senate from 1983 to 1987  
Memorialized by Senator Pat Thibaudeau*

**PAT McMULLEN**

*Fortieth District, Served in the House from 1983 to 1987  
Served in the Senate from 1987 to 1993  
Memorialized by Senator Harriet Spanel*

**CHARLES MORIARTY**

*Thirty-sixth District, Served in the House from 1957 to 1959  
Served in the Senate from 1959 to 1967  
Memorialized by Senator Stephen Johnson*

**GENE NEVA**

*Twenty-first District, Served in the House from 1957 to 1961  
Memorialized by Representative Brian Hatfield*

**DALE NORDQUIST**

*Twentieth District, Served in the Senate from 1953 to 1961  
Memorialized by Senator Marilyn Rasmussen*

**HAROLD PETRIE**

*Fourteenth District, Served in the House from 1953 to 1959  
Memorialized by Representative Barbara Lisk*

**GLADYS PHILLIPS**

*Twenty-first District, Served in the House from 1951 to 1953  
Memorialized by Representative Lynn Kessler*

**PAT SCOTT**

*Thirty-eighth District, Served in the House from 1984 to 2001  
Memorialized by Representative Aaron Reardon*

**GEORGE SELLAR**

*Twelfth District, Served in the Senate from 1972 to 2000  
Memorialized by Senator Linda Evans Parlette*

**NED SHERA**

*Twenty-eighth District, Served in the House from 1969 to 1973  
Memorialized by Senator Shirley Winsley*

**JEAN SILVER**

*Fifth District and Sixth District, Served in the House from 1983 to 1993 and from 1993 to 1997  
Memorialized by Representative Kathy Lambert*

**RICHARD SMYTHE**

*Forty-ninth District, Served in the House from 1967 to 1973  
Memorialized by Senator Don McDonald*

**GENE STRUTHERS**

*Sixteenth District, Served in the House from 1977 to 1985  
Memorialized by Senator Mike Hewitt*

**MEMORIAL PRAYER**

by

Rabbi Theodore Stainman  
Temple Bet Chaverim, Des Moines

*To Everything There is a Season*  
Legislative Choir

**CEREMONIAL SALUTE AND ECHO TAPS**  
Washington State Patrol

**CLOSING PRAYER**

Representative Joyce Mulliken

*Amazing Grace*

Washington State Patrol  
Sergeant Keith Huntley

CLOSING PRAYER BY REPRESENTATIVE JOYCE MULLIKEN

"Gracious God and Creator of all, it is good we could come this afternoon to be part of this ceremony--to remember and to pay tribute to these servants who have given so much of themselves--their time and energy in service for the people in this great state of Washington.

We pray especially for their family members that you will comfort them in their loss and help them find consolation in knowing the benefit their family members provided for so many.

"We also pray for each one of us here that you would encourage and comfort us as we claim their memories as your special gift to us. May these memories instruct us, motivate us, support us and lift us. May we remember what these former members have done by serving among us. Even though death is powerful and mysterious, we know, because of our hope in you, it does not have to be the last word. We take joy, as our hearts rise to you, that this divine harmony of death and life was sung by prophets and holy people and that your son, Jesus, sang that song in his death and resurrection from the tomb.

"We pray that as we look back to the future, we will continue to learn from the past. We thank you our Sovereign God for what you have done in our midst and we continue to pray for your special blessing upon each of our lives, the lives of our families, and the lives of those we serve."

Co-Speaker Pro Tempore Pennington returned the gavel to President Pro Tempore Franklin.

The Color Guard retired the Colors.

#### MOTION

On motion by Representative Mastin, the Joint Session was dissolved.

The President Pro Tempore of the Senate returned the gavel to Co-Speaker Pro Tempore Pennington.

Co-Speaker Pro Tempore Pennington instructed the Sergeants at Arms of the House and the Senate to escort President Pro Tempore of the Senate Rosa Franklin, Majority Leader Sid Snyder, Minority Leader Jim West and members of the Washington State Senate from the House Chamber.

The Senate was called to order at 2:11 p.m. by President Pro Tempore Franklin.

#### MOTION

At 2:11 p.m., on motion of Senator Eide, the Senate adjourned until 10:00 a.m., Friday, February 16, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

THIRTY-NINTH DAY, FEBRUARY 15, 2001

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**NOTICE:** FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

**FORTIETH DAY**  
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**MORNING SESSION**  
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SENATE CHAMBER, OLYMPIA, FRIDAY, FEBRUARY 16, 2001

THE SENATE WAS CALLED TO ORDER AT 10:00 A.M. BY PRESIDENT PRO TEMPORE FRANKLIN. THE SECRETARY CALLED THE ROLL AND ANNOUNCED TO THE PRESIDENT PRO TEMPORE THAT ALL SENATORS WERE PRESENT EXCEPT SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER. ON MOTION OF SENATOR HONEYFORD, SENATORS FINKBEINER, McCASLIN, OKE AND SWECKER WERE EXCUSED. ON MOTION OF SENATOR EIDE, SENATORS COSTA AND PATTERSON WERE EXCUSED.

THE SERGEANT AT ARMS COLOR GUARD CONSISTING OF PAGES KEISHA NATHAN AND GARRETT JONES, PRESENTED THE COLORS. SENATOR BOB MORTON OFFERED THE PRAYER.

**MOTION**

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

**REPORTS OF STANDING COMMITTEES**

FEBRUARY 15, 2001

**SB 5049** PRIME SPONSOR, SENATOR KOHL-WELLES: PROVIDING LIMITATIONS ON PLACEMENT OF A CHILD IN OUT-OF-HOME CARE WHEN A CONFLICT OF INTEREST EXISTS. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5049 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 14, 2001

**SB 5099** PRIME SPONSOR, SENATOR WINSLEY: DESIGNATING MEDICAL DIRECTORS. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5099 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 15, 2001

**SB 5122** PRIME SPONSOR, SENATOR COSTA: REVISING PROCEDURES AND STANDARDS FOR COMMITMENT OF SEXUALLY VIOLENT PREDATORS. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5122 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 14, 2001

**SB 5176** PRIME SPONSOR, SENATOR KOHL-WELLES: AUTHORIZING ADOPTION OF RULES TO IMPLEMENT MEDICAL MARIJUANA LAW. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5176 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 14, 2001

SB 5185 PRIME SPONSOR, SENATOR THIBAudeau: DEVELOPING A HOME AND COMMUNITY-BASED WAIVER FOR PERSONS IN COMMUNITY RESIDENTIAL SETTINGS. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5185 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER AND WINSLEY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 15, 2001

SB 5221 PRIME SPONSOR, SENATOR KOHL-WELLES: INCREASING PUBLIC AND PARENTAL ACCESS TO INFORMATION REGARDING CHILD CARE SERVICE. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5221 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 14, 2001

SB 5222 PRIME SPONSOR, SENATOR FRANKLIN: REQUIRING THE REGISTRATION OF CERTAIN SCHOOL HEALTH PERSONNEL. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5222 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 14, 2001

SB 5258 PRIME SPONSOR, SENATOR COSTA: REGULATING DISCLOSURE OF HEALTH CARE INFORMATION. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 14, 2001

SB 5291 PRIME SPONSOR, SENATOR COSTA: REQUIRING CERTAIN IMMUNIZATIONS OF STAFF AND RESIDENTS OF LONG-TERM CARE FACILITIES. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5291 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 14, 2001

SB 5296 PRIME SPONSOR, SENATOR THIBAudeau: LIMITING MINORS' ACCESS TO TOBACCO. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 14, 2001

SB 5302 PRIME SPONSOR, SENATOR SNYDER: PROVIDING A TAX EXEMPTION FOR CERTAIN PERSONS PROVIDING SERVICES FOR DEVELOPMENTALLY DISABLED PERSONS. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 15, 2001

SB 5322 PRIME SPONSOR, SENATOR KOHL-WELLES: PROVIDING CHILD DAY-CARE LICENSING INFORMATION TO THE PUBLIC THROUGH A TOLL-FREE NUMBER. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5322 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 14, 2001

SB 5399 PRIME SPONSOR, SENATOR THIBAudeau: REGARDING THE HISTORY OF CAREGIVER PERFORMANCE IN LONG-TERM CARE SERVICES. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5399 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 14, 2001

SB 5433 PRIME SPONSOR, SENATOR REGALA: PROVIDING FOR ESTABLISHMENT OF PARENT AND CHILD RELATIONSHIP FOR CHILDREN BORN THROUGH ASSISTED CONCEPTION. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION : THAT SUBSTITUTE SENATE BILL NO. 5433 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 15, 2001

SB 5476 PRIME SPONSOR, SENATOR PATTERSON: ISSUING CREDIT CARDS TO PERSONS UNDER THE AGE OF TWENTY-ONE. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5476 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; BENTON, FRANKLIN, HOCHSTATTER, PATTERSON, RASMUSSEN, REGALA AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 14, 2001

SB 5478 PRIME SPONSOR, SENATOR FRANKLIN: REDUCING CHILDHOOD LEAD EXPOSURE. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION : DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, FRASER AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 15, 2001

SB 5541 PRIME SPONSOR, SENATOR JACOBSEN: EXEMPTING WIND OR SOLAR ENERGY ELECTRIC GENERATING FACILITIES FROM SALES AND USE TAXES. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL No. 5541 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, HONEYFORD, JACOBSEN, McDONALD AND MORTON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 14, 2001

SB 5601 PRIME SPONSOR, SENATOR THIBAudeau: REMOVING THE TWO-YEAR LIMITED LICENSE RENEWAL LIMIT ON TEACHING-RESEARCH MEDICAL PROFESSIONALS. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL No. 5601 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 15, 2001

SB 5648 PRIME SPONSOR, SENATOR EIDE: PROVIDING SALES AND USE TAX EXEMPTIONS FOR ENERGY EFFICIENT LIGHTS AND HOUSEHOLD APPLIANCES. REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL No. 5648 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; EIDE, HALE, HONEYFORD, JACOBSEN, McDONALD AND MORTON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 15, 2001

SB 5815 PRIME SPONSOR, SENATOR PRENTICE: MAKING PAYMENT OF AGENCY COMMISSIONS FOR AGENCY LIQUOR VENDOR STORES. REPORTED BY COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS

MAJORITY RECOMMENDATION: THAT THE BILL BE REFERRED TO COMMITTEE ON WAYS AND MEANS WITHOUT RECOMMENDATION. SIGNED BY SENATORS PRENTICE, CHAIR; GARDNER, VICE CHAIR; HOCHSTATTER, PATTERSON, RASMUSSEN, REGALA, WEST AND WINSLEY.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 15, 2001

SCR 8404 PRIME SPONSOR, SENATOR KOHL-WELLES: ADOPTING THE UPDATE TO THE STATE COMPREHENSIVE PLAN FOR WORK FORCE TRAINING AND EDUCATION. REPORTED BY COMMITTEE ON HIGHER EDUCATION

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL No. 8404 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS KOHL-WELLES, CHAIR; SHIN, VICE CHAIR; CARLSON, HORN, JACOBSEN, MCAULIFFE, PARLETTE AND B. SHELDON.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

#### MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL No. 5222 WAS REFERRED TO THE COMMITTEE ON WAYS AND MEANS.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
OLYMPIA, WASHINGTON 98504-5000  
JANUARY 9, 2001

MR. TONY COOK  
SECRETARY OF THE SENATE  
P.O. Box 40482  
OLYMPIA, WASHINGTON 98504-0482

DEAR MR. COOK:

ENCLOSED IS THE DEPARTMENT'S REPORT TO THE LEGISLATURE ENTITLED "ANNUAL QUALITY ASSURANCE." IT IS MANDATED UNDER RCW 43.20A.870.

PLEASE CALL TAMMY CORDOVA AT (360) 902-7926 IF YOU HAVE QUESTIONS REGARDING THE REPORT.

SINCERELY,  
DENNIS BRADDOCK, SECRETARY

THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES REPORT ON ANNUAL QUALITY ASSURANCE IS ON FILE IN THE OFFICE OF THE SECRETARY OF THE SENATE.

MESSAGE FROM STATE OFFICE

STATE OF WASHINGTON  
DEPARTMENT OF SOCIAL AND HEALTH SERVICES  
OLYMPIA, WASHINGTON 98504-5000

FEBRUARY 8, 2001

MR. TONY COOK  
SECRETARY OF THE SENATE  
P.O. Box 40482  
OLYMPIA, WASHINGTON 98504-0482

DEAR MR. COOK:

ENCLOSED IS THE DEPARTMENT'S REPORT TO THE LEGISLATURE ENTITLED "BILLING THIRD-PARTY PAYERS FOR HOSPITAL SERVICES." IT IS MANDATED UNDER CHAPTER 309, LAWS OF 1999, SECTION 205(5)(A).

PLEASE CALL PAUL BIGELOW AT (360) 902-0817 IF YOU HAVE QUESTIONS REGARDING THE REPORT.

SINCERELY,  
DENNIS BRADDOCK, SECRETARY

THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES REPORT ON BILLING THIRD-PARTY PAYERS FOR HOSPITAL SERVICES IS ON FILE IN THE OFFICE OF THE SECRETARY OF THE SENATE.

MESSAGE FROM STATE OFFICE

WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY  
110 EAST FIFTH AVENUE, SUITE 214  
P. O. Box 40999  
OLYMPIA, WASHINGTON 98504-0999

FEBRUARY 12, 2001

SECRETARY TONY COOK  
SECRETARY OF THE SENATE  
LEGISLATIVE BUILDING  
P.O. Box 40482  
OLYMPIA, WASHINGTON 98504-0482

DEAR SECRETARY COOK:

THE 2000 LEGISLATURE DIRECTED THE WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY TO COMPARE PLACEMENT DECISIONS AND FUNDING METHODOLOGIES FOR RESIDENTIAL CARE SERVICES FOR CHILDREN IN LONG-TERM FOSTER CARE AND TO

EXAMINE THE BEST PRACTICES IN OTHER STATES (EHB 2487). THIS REPORT ADDRESSES THE PLACEMENT AND FUNDING DECISIONS; A SEPARATE REPORT WILL COVER INNOVATIVE PRACTICES AND A LITERATURE REVIEW.

THE ENCLOSED REPORT REPRESENTS *PRELIMINARY* FINDINGS, AS THEY ARE BASED ON HALF THE ANTICIPATED SAMPLE. IN ORDER TO PROVIDE NECESSARY PROTECTION TO BOTH CHILDREN IN FOSTER CARE AND THEIR CAREGIVERS, RESEARCHERS FOLLOWED INFORMED CONSENT PROCEDURES THAT EXTENDED THE STUDY'S TIME FRAME. A FINAL REPORT WILL BE PRODUCED BY THE END OF MARCH 2001.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT (360) 586-2768.

SINCERELY,  
ROXANNE LIEB, DIRECTOR

THE WASHINGTON STATE INSTITUTE FOR PUBLIC POLICY REPORT ON PLACEMENT AND FUNDING DECISIONS FOR RESIDENTIAL CARE SERVICES FOR CHILDREN IN LONG-TERM FOSTER CARE IS ON FILE IN THE OFFICE OF THE SECRETARY OF THE SENATE.

## INTRODUCTION AND FIRST READING

SB 6064 BY SENATOR McCASLIN

AN ACT RELATING TO LAW ENFORCEMENT SERVICE DISTRICTS; AND ADDING A NEW CHAPTER TO TITLE 36 RCW.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 6065 BY SENATORS PARLETTE, RASMUSSEN., DECCIO AND SHEAHAN

AN ACT RELATING TO ANALYSIS OF POTENTIAL FOR WATER STORAGE FACILITIES IN THE WENATCHEE RIVER DRAINAGE TO IMPROVE INSTREAM FLOWS AND WATER SUPPLY; CREATING A NEW SECTION; AND MAKING AN APPROPRIATION.  
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6066 BY SENATORS SPANEL AND HAUGEN

AN ACT RELATING TO IMPACT FEES FOR FIRE PROTECTION FACILITIES IN URBAN GROWTH AREAS NOT CONTIGUOUS TO A CITY OR TOWN; AND AMENDING RCW 82.02.090.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 6067 BY SENATORS WEST, DECCIO, McDONALD, KOHL-WELLES AND SHEAHAN

AN ACT RELATING TO CREATING AN ADVISORY COMMITTEE ON CANCER COORDINATION AND CONTROL; ADDING A NEW SECTION TO CHAPTER 43.70 RCW; CREATING A NEW SECTION; AND DECLARING AN EMERGENCY.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 6068 BY SENATORS KLINE AND PRENTICE

AN ACT RELATING TO COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS; AMENDING RCW 43.86A.030; AND ADDING NEW SECTIONS TO CHAPTER 43.86A RCW.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 6069 BY SENATORS REGALA, JACOBSEN, McAULIFFE, WINSLEY AND RASMUSSEN

AN ACT RELATING TO SCHOOL BUILDING REHABILITATION OR RESTORATION; AMENDING RCW 28A.525.166; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON EDUCATION.

SB 6070 BY SENATORS PATTERSON, ROACH, FAIRLEY, HORN, T. SHELDON, KLINE, McCASLIN, HONEYFORD, PRENTICE, JACOBSEN, OKE, SNYDER, FRANKLIN, SWECKER, ZARELLI, RASMUSSEN, McDONALD, SHEAHAN, JOHNSON, WEST, HALE, ROSSI, REGALA, DECCIO, CARLSON, HEWITT, GARDNER, McAULIFFE, B. SHELDON, HAUGEN, MORTON, SPANEL, SHIN, BENTON, STEVENS, CONSTANTINE, COSTA, HOCHSTATTER, EIDE, HARGROVE, FINKBEINER, PARLETTE AND WINSLEY

AN ACT RELATING TO INCORPORATING EFFECTIVE ECONOMIC DEVELOPMENT PLANNING INTO GROWTH MANAGEMENT PLANNING; AMENDING RCW 36.70A.020, 36.70A.030, 36.70A.070, 36.70A.210, AND 36.70A.215; AND PROVIDING AN EFFECTIVE DATE.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 6071 BY SENATORS FINKBEINER, STEVENS AND JACOBSEN

AN ACT RELATING TO ATTACHMENTS TO TRANSMISSION FACILITIES OWNED BY PUBLIC UTILITY DISTRICTS THAT PROVIDE WHOLESALE TELECOMMUNICATIONS SERVICES UNDER RCW 54.16.330 AND 54.16.340; AMENDING RCW 80.54.010; AND ADDING A NEW SECTION TO CHAPTER 54.16 RCW.  
REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

SJM 8017 BY SENATORS SNYDER AND WINSLEY

SUPPORTING THE FEDERAL RAILROAD RETIREMENT AND SURVIVOR'S IMPROVEMENT ACT.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

#### MOTION

ON MOTION OF SENATOR BETTI SHELDON, SENATE BILL NO. 6012, WHICH WAS HELD ON THE DESK FEBRUARY 13, 2001, WAS REFERRED TO THE COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

#### MOTION

AT 10:06 A.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE WAS DECLARED TO BE AT EASE.

THE SENATE WAS CALLED TO ORDER AT 11:10 A.M. BY PRESIDENT PRO TEMPORE FRANKLIN.

#### SECOND READING

SENATE BILL NO. 5093, BY SENATORS T. SHELDON, OKE AND RASMUSSEN

MODIFYING PROVISIONS CONCERNING THE UNLAWFUL DUMPING OF SOLID WASTE.

THE BILL WAS READ THE SECOND TIME.

#### MOTION

ON MOTION OF SENATOR JACOBSEN, THE RULES WERE SUSPENDED, SENATE BILL NO. 5093 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE BILL NO. 5093.

#### ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 5093 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

SENATE BILL NO. 5093, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

#### SECOND READING

SENATE BILL NO. 5443, BY SENATORS SPANEL, JACOBSEN AND KOHL-WELLES (BY REQUEST OF DEPARTMENT OF FISH AND WILDLIFE)

CHANGING REQUIRED RENEWAL DATES IN ORDER TO VALIDLY RENEW CERTAIN COMMERCIAL FISHING LICENSES.

#### MOTIONS

ON MOTION OF SENATOR JACOBSEN, SUBSTITUTE SENATE BILL NO. 5443 WAS SUBSTITUTED FOR SENATE BILL NO. 5443 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR JACOBSEN, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE BILL NO. 5443 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5443.

#### ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5443 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

SUBSTITUTE SENATE BILL NO. 5443, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

#### SECOND READING

SENATE BILL NO. 5068, BY SENATORS PRENTICE AND WINSLEY (BY REQUEST OF DEPARTMENT OF FINANCIAL INSTITUTIONS)

REGULATING CREDIT UNIONS.

#### MOTIONS

ON MOTION OF SENATOR PRENTICE, SUBSTITUTE SENATE BILL NO. 5068 WAS SUBSTITUTED FOR SENATE BILL NO. 5068 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR PRENTICE, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE BILL NO. 5068 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5068.

#### ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5068 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

SUBSTITUTE SENATE BILL NO. 5068, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

#### SECOND READING

SENATE BILL NO. 5123, BY SENATORS COSTA, LONG AND HARGROVE

REVISING THE CRIME OF ESCAPE AS IT RELATES TO SEXUALLY VIOLENT PREDATORS.

#### MOTIONS

ON MOTION OF SENATOR HARGROVE, SUBSTITUTE SENATE BILL NO. 5123 WAS SUBSTITUTED FOR SENATE BILL NO. 5123 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

ON MOTION OF SENATOR HARGROVE, THE RULES WERE SUSPENDED, SUBSTITUTE SENATE BILL NO. 5123 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5123.

#### ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SUBSTITUTE SENATE BILL NO. 5123 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

SUBSTITUTE SENATE BILL NO. 5123, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

#### SECOND READING

SENATE BILL NO. 5048, BY SENATORS LONG, HARGROVE, WINSLEY AND COSTA

CHANGING PROVISIONS RELATING TO LESS RESTRICTIVE ALTERNATIVE COMMITMENTS.

THE BILL WAS READ THE SECOND TIME.

#### MOTION

ON MOTION OF SENATOR HARGROVE, THE RULES WERE SUSPENDED, SENATE BILL NO. 5048 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE BILL NO. 5048.

#### ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 5048 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

SENATE BILL NO. 5048, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

#### SECOND READING

SENATE BILL NO. 5038, BY SENATORS McCASLIN AND KLINE

INCORPORATING AMENDMENTS INTO THE REORGANIZED CHAPTER 9.94A RCW.

THE BILL WAS READ THE SECOND TIME.

#### MOTION

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, SENATE BILL NO. 5038 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE BILL NO. 5038.

## ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 5038 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

SENATE BILL NO. 5038, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

## SECOND READING

SENATE BILL NO. 5315, BY SENATORS FRASER AND MORTON (BY REQUEST OF DEPARTMENT OF HEALTH)

INCLUDING DRINKING WATER ACCOUNTS IN INTEREST-BEARING ACCOUNTS.

THE BILL WAS READ THE SECOND TIME.

## MOTION

ON MOTION OF SENATOR FRASER, THE RULES WERE SUSPENDED, SENATE BILL NO. 5315 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF SENATE BILL NO. 5315.

## ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF SENATE BILL NO. 5315 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

SENATE BILL NO. 5315, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

## SECOND READING

SENATE BILL NO. 5052, BY SENATORS JOHNSON AND CONSTANTINE

MAKING TECHNICAL CORRECTIONS TO TRUST AND ESTATE DISPUTE RESOLUTION PROVISIONS.

## MOTIONS

ON MOTION OF SENATOR KLINE, SUBSTITUTE SENATE BILL NO. 5052 WAS SUBSTITUTED FOR SENATE BILL NO. 5052 AND THE SUBSTITUTE BILL WAS PLACED ON SECOND READING AND READ THE SECOND TIME.

SENATOR JOHNSON MOVED THAT THE FOLLOWING AMENDMENTS BE CONSIDERED SIMULTANEOUSLY AND BE ADOPTED:

ON PAGE 4, BEGINNING ON LINE 32, AFTER "(B)" STRIKE ALL MATERIAL THROUGH "PRUDENTLY" ON PAGE 5, LINE 1, AND INSERT "IN APPOINTING THE SPECIAL REPRESENTATIVE THE COURT SHALL GIVE DUE CONSIDERATION AND DEFERENCE TO ANY NOMINATION(S) MADE IN THE PETITION, THE SPECIAL SKILLS REQUIRED IN THE REPRESENTATION, AND THE NEED FOR A REPRESENTATIVE WHO WILL ACT INDEPENDENTLY AND PRUDENTLY"

ON PAGE 5, LINE 4, AFTER "INDEPENDENCE" INSERT ", HOWEVER, THE COURT MAY CONSIDER ANY INTERESTS THAT THE NOMINATING FIDUCIARY MAY HAVE IN THE ESTATE OR TRUST IN MAKING THE DETERMINATION"

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ADOPTION OF THE AMENDMENTS BY SENATOR JOHNSON ON PAGE 4, BEGINNING ON LINE 32, AND PAGE 5, LINE 4, TO SUBSTITUTE SENATE BILL NO. 5052.

THE MOTION BY SENATOR JOHNSON CARRIED AND THE AMENDMENTS WERE ADOPTED.

## MOTION

ON MOTION OF SENATOR KLINE, THE RULES WERE SUSPENDED, ENGROSSED SUBSTITUTE SENATE BILL No. 5052 WAS ADVANCED TO THIRD READING, THE SECOND READING CONSIDERED THE THIRD AND THE BILL WAS PLACED ON FINAL PASSAGE.

DEBATE ENSUED.

THE PRESIDENT PRO TEMPORE DECLARED THE QUESTION BEFORE THE SENATE TO BE THE ROLL CALL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL No. 5052.

## ROLL CALL

THE SECRETARY CALLED THE ROLL ON THE FINAL PASSAGE OF ENGROSSED SUBSTITUTE SENATE BILL No. 5052 AND THE BILL PASSED THE SENATE BY THE FOLLOWING VOTE: YEAS, 43; NAYS, 0; ABSENT, 0; EXCUSED, 6.

VOTING YEA: SENATORS BENTON, BROWN, CARLSON, CONSTANTINE, DECCIO, EIDE, FAIRLEY, FRANKLIN, FRASER, GARDNER, HALE, HARGROVE, HAUGEN, HEWITT, HOCHSTATTER, HONEYFORD, HORN, JACOBSEN, JOHNSON, KASTAMA, KLINE, KOHL-WELLES, LONG, MCAULIFFE, McDONALD, MORTON, PARLETTE, PRENTICE, RASMUSSEN, REGALA, ROACH, ROSSI, SHEAHAN, SHELDON, B., SHELDON, T., SHIN, SNYDER, SPANEL, STEVENS, THIBAudeau, WEST, WINSLEY AND ZARELLI - 43.

EXCUSED: SENATORS COSTA, FINKBEINER, McCASLIN, OKE, PATTERSON AND SWECKER - 6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5052, HAVING RECEIVED THE CONSTITUTIONAL MAJORITY, WAS DECLARED PASSED. THERE BEING NO OBJECTION, THE TITLE OF THE BILL WILL STAND AS THE TITLE OF THE ACT.

## PERSONAL PRIVILEGE

SENATOR CONSTANTINE: "THANK YOU, MADAM PRESIDENT. I RISE TO A POINT OF PERSONAL PRIVILEGE. AS YOU WILL RECALL, THERE IS A PINT OF ICE CREAM FOR EACH OF YOU SENATORS. THEY HAVE RESTORED THE FUNCTION OF OUR FREEZER DOWN STAIRS AND YOUR PINTS OF ICE CREAM ARE AVAILABLE AND SHOULD BE PICKED UP TODAY. I WILL TELL YOU, BRIEFLY, MY FELLOW SENATORS, THAT THE FLAVORS ARE BUTTER TOFFEE PECAN, DOLLAR MINT, HUSKY FLAKE--AND THAT IS NOT A SELF REFERENCE--MOCHA ALMOND FUDGE, STRAWBERRY GRAND MARNIER AND VANILLA--FIRST COME, FIRST SERVE--AND THEY DO NEED THE SPACE, BECAUSE THEIR FOOD DELIVERIES ARE TAKEN ON MONDAY. SO, IF POSSIBLE, IF YOU CAN EAT YOUR ICE CREAM OR TAKE IT HOME OR TO THE FREEZE IN YOUR OFFICE, WE WOULD APPRECIATE IT. THANK YOU SO MUCH AND ENJOY."

## MOTION

ON MOTION OF SENATOR ROACH, THE FOLLOWING RESOLUTION WAS ADOPTED:

### SENATE RESOLUTION 2001-8618

BY SENATORS ROACH, SHEAHAN, WINSLEY, STEVENS, HALE, KOHL-WELLES, JOHNSON, BENTON, LONG, KASTAMA, AND ZARELLI

WHEREAS, NINETY YEARS AGO, ON FEBRUARY 6, 1911, RONALD WILSON REAGAN WAS BORN TO JOHN AND NELLE REAGAN IN THE FAMILY'S MODEST APARTMENT ABOVE THE GENERAL STORE IN TAMPICO, ILLINOIS; AND

WHEREAS, JOHN REAGAN STRUGGLED BOTH BEFORE AND DURING THE GREAT DEPRESSION IN HIS ATTEMPTS TO PROVIDE FOR HIS FAMILY, UNTIL HE WAS APPOINTED DIRECTOR OF THE DIXON, ILLINOIS, OFFICE OF THE WORKS PROGRESS ADMINISTRATION, A NEW DEAL, BACK TO WORK PROGRAM; AND

WHEREAS, RONALD REAGAN, BUILDING UPON A SUCCESSFUL CAREER IN THE PRIVATE SECTOR, ACTED UPON THE COURAGE OF HIS CONVICTIONS AND ENTERED THE WORLD OF POLITICS AND PUBLIC SERVICE AS GOVERNOR OF CALIFORNIA;

WHEREAS, RONALD REAGAN WAS EXTRAORDINARILY SUCCESSFUL AT COMMUNICATING HIS VISION TO THE AMERICAN PEOPLE, IN WORDS SUCH AS THESE FROM HIS FIRST INAUGURAL ADDRESS AS GOVERNOR OF CALIFORNIA:

*WE ARE A HUMANE AND GENEROUS PEOPLE AND WE ACCEPT WITHOUT RESERVATION OUR OBLIGATION TO HELP THE AGED, DISABLED, AND THOSE UNFORTUNATES WHO, THROUGH NO FAULT OF THEIR OWN, MUST DEPEND ON THEIR FELLOW MAN. BUT WE ARE NOT GOING TO PERPETUATE POVERTY BY SUBSTITUTING A PERMANENT DOLE FOR A PAYCHECK. THERE IS NO HUMANITY OR CHARITY IN DESTROYING SELF-RELIANCE, DIGNITY, AND SELF-RESPECT . . . THE VERY SUBSTANCE OF MORAL FIBER . .*

AND;

WHEREAS, DURING HIS CAREER AS A PUBLIC SERVANT, RONALD REAGAN WAS UNAFRAID TO DO BATTLE ON THE GREAT ISSUES OF HIS TIME AND, IN THE WORDS OF THEODORE ROOSEVELT, ENTER THE ARENA, STRIVE VALIANTLY, AND SPEND HIMSELF FOR A WORTHY CAUSE; AND

WHEREAS, RONALD REAGAN, AS ALL GREAT AMERICAN PRESIDENTS, USED THE POWER OF THE PRESIDENCY AS HE DEEMED BEST TO INVIGORATE OUR ECONOMY, PUT AMERICANS TO WORK, HONOR OUR OBLIGATION TO THOSE WHO NEED HELP, AND INSPIRE ALL AMERICANS TO SEEK A MORE PERFECT UNION;

WHEREAS, RONALD REAGAN'S LEADERSHIP, WITH THE SUPPORT OF THE AMERICAN PEOPLE, HELPED TO END THE COLD WAR, SET MANY NATIONS ON A PATH TO FREEDOM AND DEMOCRACY, AND PROMOTED GREATER PEACE AND STABILITY TO MANY REGIONS OF THE WORLD;

NOW, THEREFORE, BE IT RESOLVED, THAT THE WASHINGTON STATE SENATE HEREBY RECOGNIZES AND HONORS OUR FORTIETH PRESIDENT, RONALD WILSON REAGAN, IN THIS MONTH OF HIS NINETIETH BIRTHDAY.

SENATORS ROACH AND BENTON SPOKE TO SENATE RESOLUTION 2001-8618.

#### MOTION

AT 12:07 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 12:00 NOON, MONDAY, FEBRUARY 19, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

#### JOURNAL OF THE SENATE

FORTIETH DAY, FEBRUARY 16, 2001

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**NOTICE:** FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

#### FORTY-THIRD DAY

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NOON SESSION  
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SENATE CHAMBER, OLYMPIA, MONDAY, FEBRUARY 19, 2001

THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT OWEN. NO ROLL CALL WAS TAKEN.

#### MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

#### REPORTS OF STANDING COMMITTEES

FEBRUARY 16, 2001

**SB 5292** PRIME SPONSOR, SENATOR T. SHELDON: MODIFYING THE DEFINITION OF A MAJOR PUBLIC ENERGY PROJECT.  
REPORTED BY COMMITTEE ON ENVIRONMENT, ENERGY AND WATER

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5292 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS FRASER, CHAIR; REGALA, VICE CHAIR; HALE, HONEYFORD, McDONALD AND MORTON.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001

**SB 5367** PRIME SPONSOR, SENATOR FRASER: CHANGING COMPETITIVE GRANT REQUIREMENTS FOR COMMUNITY MOBILIZATION PROGRAMS. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001

**SB 5417** PRIME SPONSOR, SENATOR PATTERSON: CHANGING PROVISIONS RELATING TO OPIATE SUBSTITUTION TREATMENT PROGRAMS. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5417 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001

**SB 5454** PRIME SPONSOR, SENATOR LONG: REVISING PROVISIONS RELATING TO THE JUVENILE OFFENDER BASIC TRAINING CAMP PROGRAM. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001

**SB 5470** PRIME SPONSOR, SENATOR LONG: PROVIDING SERVICES FOR PERSONS TWENTY YEARS OF AGE WHO ARE OR WHO HAVE BEEN IN FOSTER CARE. REPORTED BY COMMITTEE ON HUMAN SERVICES AND CORRECTIONS

MAJORITY RECOMMENDATION: DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS HARGROVE, CHAIR; COSTA, VICE CHAIR; CARLSON, FRANKLIN, HEWITT, KASTAMA, KOHL-WELLES, LONG AND STEVENS.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 15, 2001

**SB 5835** PRIME SPONSOR, SENATOR FINKBEINER: REMOVING THE EXPIRATION DATE ON EMERGENCY ADMINISTRATION OF EPINEPHRINE. REPORTED BY COMMITTEE ON HEALTH AND LONG-TERM CARE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS THIBAudeau, CHAIR; FRANKLIN, VICE CHAIR; COSTA, DECCIO, FRASER, PARLETTE AND WINSLEY.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

#### INTRODUCTION AND FIRST READING

**SB 6072** BY SENATORS SWECKER AND T. SHELDON

AN ACT RELATING TO PAYMENT RESPONSIBILITY FOR UTILITY SERVICE; AND AMENDING RCW 35.21.290, 35.67.200, 36.94.150, 57.08.081, AND 80.28.010.  
REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

**SB 6073** BY SENATORS HOCHSTATTER, MORTON, ROSSI AND McDONALD

AN ACT RELATING TO EMPLOYEES AT THE UNIVERSITY OF WASHINGTON ENROLLED AS UNDERGRADUATE AND GRADUATE STUDENTS; ADDING A NEW SECTION TO CHAPTER 41.56 RCW; PRESCRIBING PENALTIES; AND DECLARING AN EMERGENCY.  
REFERRED TO COMMITTEE ON HIGHER EDUCATION.

**SB 6074** BY SENATORS THIBAudeau AND WINSLEY (BY REQUEST OF DEPARTMENT OF SOCIAL AND HEALTH SERVICES)

AN ACT RELATING TO CLARIFYING THE LEGISLATURE'S INTENT REGARDING THE DISTINCTION BETWEEN THE FEE-FOR-SERVICE AND MANAGED CARE METHODS OF PAYING FOR AND DELIVERING HEALTH CARE SERVICES TO CLIENTS ELIGIBLE UNDER CHAPTER 74.09 RCW; REENACTING AND AMENDING RCW 74.09.522; CREATING NEW SECTIONS; AND DECLARING AN EMERGENCY.

REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 6075 BY SENATORS WINSLEY, PRENTICE AND RASMUSSEN

AN ACT RELATING TO PRESERVATION OF FEDERALLY ASSISTED HOUSING BY NONPROFIT ORGANIZATIONS; CREATING NEW SECTIONS; AND PROVIDING AN EXPIRATION DATE.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 6076 BY SENATORS KLINE, McCASLIN, OKE, T. SHELDON, SNYDER, HARGROVE AND RASMUSSEN (BY REQUEST OF DEPARTMENT OF FISH AND WILDLIFE)

AN ACT RELATING TO LAW ENFORCEMENT OFFICERS OF THE DEPARTMENT OF FISH AND WILDLIFE; AND AMENDING RCW 10.93.020, 10.93.140, AND 77.12.055.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 6077 BY SENATORS PRENTICE, WINSLEY AND SWECKER

AN ACT RELATING TO AUTHORIZING THE GOVERNOR TO ENTER INTO TAX COMPACTS WITH UP TO THREE FEDERALLY RECOGNIZED TRIBES ON A PILOT BASIS; ADDING A NEW SECTION TO CHAPTER 82.02 RCW; ADDING A NEW SECTION TO CHAPTER 82.04 RCW; ADDING A NEW SECTION TO CHAPTER 82.08 RCW; ADDING A NEW SECTION TO CHAPTER 82.12 RCW; ADDING A NEW SECTION TO CHAPTER 82.16 RCW; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6078 BY SENATOR THIBAudeau (BY REQUEST OF INSURANCE COMMISSIONER KREIDLER)

AN ACT RELATING TO MEDICARE BENEFICIARY ELIGIBILITY FOR HEALTH SERVICES; AMENDING RCW 48.66.130; AND ADDING A NEW SECTION TO CHAPTER 48.66 RCW.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 6079 BY SENATORS WEST AND OKE

AN ACT RELATING TO INCREASING THE WAGES OF LONG-TERM NONLICENSED DIRECT CARE WORKERS; ADDING NEW SECTIONS TO CHAPTER 74.39A RCW; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SB 6080 BY SENATOR PRENTICE

AN ACT RELATING TO UPDATING AND HARMONIZING FIREWORKS AND EXPLOSIVES LAWS; AMENDING RCW 70.74.010, 70.74.180, 70.74.191, 70.74.400, 70.77.126, 70.77.131, 70.77.136, 70.77.141, 70.77.160, 70.77.170, 70.77.180, 70.77.200, 70.77.205, 70.77.210, 70.77.215, 70.77.230, 70.77.236, 70.77.250, 70.77.255, 70.77.270, 70.77.305, 70.77.311, 70.77.315, 70.77.330, 70.77.335, 70.77.340, 70.77.343, 70.77.381, 70.77.395, 70.77.401, 70.77.405, 70.77.420, 70.77.425, 70.77.435, 70.77.440, 70.77.495, 70.77.510, 70.77.515, 70.77.517, 70.77.520, 70.77.535, 70.77.555, 70.77.575, AND 70.77.580; ADDING NEW SECTIONS TO CHAPTER 70.77 RCW; AND PRESCRIBING PENALTIES.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 6081 BY SENATOR McDONALD (BY REQUEST OF DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT)

AN ACT RELATING TO DEVELOPMENTAL DISABILITIES ENDOWMENT; AMENDING RCW 43.330.195, 43.330.200, 43.330.205, 43.330.210, AND 43.330.220; ADDING A NEW SECTION TO CHAPTER 43.330 RCW; AND ADDING NEW SECTIONS TO CHAPTER 43.131 RCW.  
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6082 BY SENATORS PATTERSON, ROACH, HORN, HALE, FAIRLEY, HAUGEN, KLINE, McCASLIN, PRENTICE, GARDNER, T. SHELDON AND WEST

AN ACT RELATING TO THE ESTABLISHMENT OF A DRUG UTILIZATION REVIEW PROGRAM AND A DRUG PRIOR AUTHORIZATION PROGRAM UNDER THE MEDICAL ASSISTANCE PROGRAM; AMENDING RCW 74.09.010; ADDING NEW SECTIONS TO CHAPTER 74.09 RCW; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

SJM 8018 BY SENATORS HARGROVE AND SWECKER

REQUESTING THE GOVERNOR TO WORK TO REDUCE THE DIVORCE RATE.

REFERRED TO COMMITTEE ON HUMAN SERVICES AND CORRECTIONS.

SCR 8410 BY SENATORS T. SHELDON, ROSSI AND B. SHELDON

STUDYING WIRELESS COMMUNICATION.

REFERRED TO COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS.

#### MOTION

AT 12:01 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 12:00 NOON, TUESDAY, FEBRUARY 20, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

#### JOURNAL OF THE SENATE

FORTY-THIRD DAY, FEBRUARY 19, 2001

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**NOTICE:** FORMATTING AND PAGE NUMBERING IN THIS DOCUMENT MAY BE DIFFERENT FROM THAT IN THE ORIGINAL PUBLISHED VERSION.

#### FORTY-FOURTH DAY

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NOON SESSION  
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SENATE CHAMBER, OLYMPIA, TUESDAY, FEBRUARY 20, 2001

THE SENATE WAS CALLED TO ORDER AT 12:00 NOON BY PRESIDENT OWEN. NO ROLL CALL WAS TAKEN.

#### MOTION

ON MOTION OF SENATOR BETTI SHELDON, THE READING OF THE JOURNAL OF THE PREVIOUS DAY WAS DISPENSED WITH AND IT WAS APPROVED.

#### REPORTS OF STANDING COMMITTEES

FEBRUARY 19, 2001

SB 5350 PRIME SPONSOR, SENATOR PATTERSON: AUTHORIZING THE MILITARY DEPARTMENT TO DISPOSE AT PUBLIC BID OF THE STATE ARMORY KNOWN AS THE PIER 91 PROPERTY AND ACQUIRE REPLACEMENT PROPERTY AND IMPROVEMENTS. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5350 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS PATTERSON, CHAIR; GARDNER, HALE, HAUGEN, HORN, ROACH, T. SHELDON AND SWECKER.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATORS FAIRLEY, VICE CHAIR AND McCASLIN.

REFERRED COMMITTEE ON WAYS AND MEANS.

FEBRUARY 19, 2001

SB 5452 PRIME SPONSOR, SENATOR T. SHELDON: CLARIFYING THE COST BURDEN FOR UTILITY RELOCATION. REPORTED BY COMMITTEE ON ECONOMIC DEVELOPMENT AND TELECOMMUNICATIONS

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5452 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS T. SHELDON, CHAIR; B. SHELDON, VICE CHAIR; FAIRLEY, FINKBEINER, McCASLIN, ROSSI AND STEVENS.

MINORITY RECOMMENDATION: DO NOT PASS SUBSTITUTE. SIGNED BY SENATOR HAUGEN.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001

SB 5497 PRIME SPONSOR, SENATOR RASMUSSEN: EXCLUDING FARM AND AGRICULTURAL LAND FROM FOREST LAND UNDER THE FOREST PRACTICES ACT. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5497 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER AND SPANEL.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001

SB 5498 PRIME SPONSOR, SENATOR RASMUSSEN: PROVIDING FARMERS WITH SALES AND USE TAX EXEMPTIONS FOR PROPANE AND WOOD SHAVINGS. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER AND SWECKER.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 19, 2001

SB 5556 PRIME SPONSOR, SENATOR T. SHELDON: PROTECTING PUBLIC ASSETS FROM POLITICAL USE. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5556 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS PATTERSON, CHAIR; FAIRLEY, VICE CHAIR; GARDNER, HALE, HAUGEN, HORN, McCASLIN, ROACH, T. SHELDON AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001

SB 5668 PRIME SPONSOR, SENATOR RASMUSSEN: EXEMPTING FARMING MACHINERY AND EQUIPMENT FROM THE STATE PROPERTY TAX. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER AND SWECKER.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

FEBRUARY 16, 2001

SB 5734 PRIME SPONSOR, SENATOR HALE: MODIFYING REQUIREMENTS TO RECEIVE STATE ALLOCATIONS FOR AN AGRICULTURAL FAIR. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 5734 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE BILL DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SPANEL AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 16, 2001

SJM 8016 PRIME SPONSOR, SENATOR SHIN: EMPHASIZING FREE AND FAIR TRADE OF AQUACULTURE PRODUCTS BETWEEN THE UNITED STATES AND CANADA. REPORTED BY COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE

MAJORITY RECOMMENDATION: DO PASS. SIGNED BY SENATORS RASMUSSEN, CHAIR; SHIN, VICE CHAIR; PARLETTE, SHEAHAN, SNYDER AND SWECKER.

PASSED TO COMMITTEE ON RULES FOR SECOND READING.

FEBRUARY 19, 2001

SJR 8206 PRIME SPONSOR, SENATOR HARGROVE: REQUIRING A GEOGRAPHIC DISTRIBUTION OF INITIATIVE PETITION SIGNATURES. REPORTED BY COMMITTEE ON STATE AND LOCAL GOVERNMENT

MAJORITY RECOMMENDATION: THAT SUBSTITUTE SENATE BILL NO. 8206 BE SUBSTITUTED THEREFOR, AND THE SUBSTITUTE JOINT RESOLUTION DO PASS AND BE REFERRED TO COMMITTEE ON WAYS AND MEANS. SIGNED BY SENATORS PATTERSON, CHAIR; GARDNER, HALE, HAUGEN, HORN, MCCASLIN, T. SHELDON AND SWECKER.

MINORITY RECOMMENDATION: DO NOT PASS. SIGNED BY SENATOR ROACH.

REFERRED TO COMMITTEE ON WAYS AND MEANS.

#### INTRODUCTION AND FIRST READING

SB 6083 BY SENATOR HOCHSTATTER

AN ACT RELATING TO RECREATIONAL VEHICLES TOWING TRAILERS; AND AMENDING RCW 46.25.050.  
REFERRED TO COMMITTEE ON TRANSPORTATION.

SB 6084 BY SENATOR GARDNER

AN ACT RELATING TO PROVIDING WEAPONS AND TRAINING FOR LIQUOR ENFORCEMENT OFFICERS; AMENDING RCW 66.44.010; AND ADDING A NEW SECTION TO CHAPTER 66.44 RCW.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 6085 BY SENATORS GARDNER AND HARGROVE

AN ACT RELATING TO STATE CERTIFICATION AND TRAINING FOR LIQUOR CONTROL BOARD OFFICERS; AMENDING RCW 66.44.010 AND 43.101.010; ADDING A NEW SECTION TO CHAPTER 43.101 RCW; AND ADDING A NEW SECTION TO CHAPTER 66.44 RCW.  
REFERRED TO COMMITTEE ON LABOR, COMMERCE AND FINANCIAL INSTITUTIONS.

SB 6086 BY SENATOR SNYDER

AN ACT RELATING TO PERSONAL USE SHELLFISH AND SEAWEED LICENSES; AND AMENDING RCW 77.32.520.  
REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 6087 BY SENATORS MORTON AND OKE

AN ACT RELATING TO ENERGY FACILITIES; AND AMENDING RCW 80.50.020.  
REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SB 6088 BY SENATOR HEWITT

AN ACT RELATING TO DIVERTING FUNDS COLLECTED BY THE AGRICULTURAL BURNING PRACTICES AND RESEARCH TASK FORCE TO DEVELOP A MANUFACTURING FACILITY PROGRAM; AMENDING RCW 70.94.650; AND CREATING A NEW SECTION.  
REFERRED TO COMMITTEE ON ENVIRONMENT, ENERGY AND WATER.

SB 6089 BY SENATORS JACOBSEN, OKE, KOHL-WELLES AND RASMUSSEN

AN ACT RELATING TO STUDYING METHODS FOR CALCULATING WATER-DEPENDENT LEASE RATES FOR MARINAS ON STATE-OWNED AQUATIC LANDS; AND CREATING A NEW SECTION.

REFERRED TO COMMITTEE ON NATURAL RESOURCES, PARKS AND SHORELINES.

SB 6090 BY SENATORS LONG, KLINE AND McCASLIN

AN ACT RELATING TO ASSAULT IN THE THIRD DEGREE; AND AMENDING RCW 9A.36.031.  
REFERRED TO COMMITTEE ON JUDICIARY.

SB 6091 BY SENATORS KOHL-WELLES AND OKE

AN ACT RELATING TO THE BLANKET PRIMARY; AND AMENDING RCW 29.18.200, 29.30.081, 29.42.010,  
29.62.010, AND 29.62.090.  
REFERRED TO COMMITTEE ON STATE AND LOCAL GOVERNMENT.

SB 6092 BY SENATORS KOHL-WELLES, COSTA AND OKE (BY REQUEST OF DEPARTMENT OF REVENUE)

AN ACT RELATING TO THE EXEMPTION FROM TAXATION OF HOUSING FOR VERY LOW-INCOME HOUSEHOLDS;  
AMENDING RCW 84.36.560; AND REENACTING AND AMENDING RCW 84.36.805.  
REFERRED TO COMMITTEE ON WAYS AND MEANS.

SB 6093 BY SENATORS STEVENS, LONG, COSTA AND OKE

AN ACT RELATING TO A BLENDED FUNDING DEMONSTRATION PROJECT TO PROVIDE SERVICES TO DISTURBED  
YOUTH; ADDING A NEW CHAPTER TO TITLE 74 RCW; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.  
REFERRED TO COMMITTEE ON HUMAN SERVICES AND CORRECTIONS.

SB 6094 BY SENATORS HOCHSTATTER AND STEVENS

AN ACT RELATING TO INFORMATION ON EDUCATION ALTERNATIVES; AND ADDING A NEW SECTION TO  
CHAPTER 28A.320 RCW.  
REFERRED TO COMMITTEE ON EDUCATION.

SJM 8019 BY SENATORS RASMUSSEN, PARLETTE, SPANEL AND OKE

PETITIONING THE SECRETARY OF AGRICULTURE TO REVIEW CERTAIN POLICIES OF THE CONSERVATION  
RESERVE ENHANCEMENT PROGRAM.

REFERRED TO COMMITTEE ON AGRICULTURE AND INTERNATIONAL TRADE.

SJR 8217 BY SENATORS FRANKLIN, WINSLEY, KOHL-WELLES, THIBAudeau, PRENTICE, RASMUSSEN AND REGALA

ALLOWING DELEGATION OF LEGISLATIVE REGULATION OF MEDICINE.

REFERRED TO COMMITTEE ON HEALTH AND LONG-TERM CARE.

#### MOTION

AT 12:01 P.M., ON MOTION OF SENATOR BETTI SHELDON, THE SENATE ADJOURNED UNTIL 10:00 A.M., WEDNESDAY,  
FEBRUARY 21, 2001.

BRAD OWEN, PRESIDENT OF THE SENATE

TONY M. COOK, SECRETARY OF THE SENATE

JOURNAL OF THE SENATE

FORTY-FOURTH DAY, FEBRUARY 20, 2001

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**NOTICE:** Formatting and page numbering in this document may be different

from that in the original published version.

**FORTY-FIFTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Wednesday, February 21, 2001

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

The Sergeant at Arms Color Guard consisting of Pages Jackie Lopez and Kyle Ferris, presented the Colors. Major Charles Gillies, Jr. of the Salvation Army in Olympia, offered the prayer.

**MOTION**

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

**MESSAGE FROM THE HOUSE**

February 20, 2001

MR. PRESIDENT:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1000,

SUBSTITUTE HOUSE BILL NO. 1001,

HOUSE BILL NO. 1036,

HOUSE BILL NO. 1040,

HOUSE BILL NO. 1055,

HOUSE BILL NO. 1069,

HOUSE BILL NO. 1071,

HOUSE BILL NO. 1095,

HOUSE BILL NO. 1098,

ENGROSSED HOUSE BILL NO. 1099,

SUBSTITUTE HOUSE BILL NO. 1125,

HOUSE BILL NO. 1205,

HOUSE BILL NO. 1309,

HOUSE JOINT RESOLUTION NO. 4202, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Co-Chief Clerk

TIMOTHY A. MARTIN, Co-Chief Clerk

**INTRODUCTION AND FIRST READING**

SB 6095 by Senators Regala and McCaslin

AN ACT Relating to street vacations; and amending RCW 35.79.010 and 35.79.030.  
Referred to Committee on State and Local Government.

SB 6096 by Senators Rasmussen and Winsley

AN ACT Relating to the operation and regulation of utilities by a city or town; and amending RCW 35A.47.040 and 36.94.180.  
Referred to Committee on State and Local Government.

SB 6097 by Senators Winsley and Rasmussen

AN ACT Relating to joint powers of public agencies; and amending RCW 39.34.030.  
Referred to Committee on State and Local Government.

SB 6098 by Senators Constantine, Brown, Prentice, Costa, Spanel, Kline, Carlson, Franklin and Kohl-Welles

AN ACT Relating to studying Washington's tax structure; and creating a new section.  
Referred to Committee on Ways and Means.

SB 6099 by Senators Morton, Hale, Stevens, Long, Oke, Hewitt, Honeyford, Sheahan, Zarelli, Rossi, West, Roach and T. Sheldon

AN ACT Relating to electric utility sales and use tax exemptions; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.  
Referred to Committee on Environment, Energy and Water.

SB 6100 by Senators Eide, Prentice, Winsley and Kohl-Welles

AN ACT Relating to the use of a mobile telephone while operating a motor vehicle; adding a new section to chapter 46.61 RCW; creating a new section; prescribing penalties; and providing an effective date.  
Referred to Committee on Transportation.

SB 6101 by Senators Eide, McAuliffe, Haugen, Fairley, Prentice, Spanel, Kline, Winsley and Kohl-Welles

AN ACT Relating to accident reports; and amending RCW 46.52.030.  
Referred to Committee on Transportation.

SB 6102 by Senators Gardner and Haugen

AN ACT Relating to a joint safety rest area demonstration project; amending RCW 47.12.125 and 47.12.244; adding a new section to chapter 47.38 RCW; and creating a new section.  
Referred to Committee on Transportation.

SB 6103 by Senators Prentice, Kline, Kohl-Welles, Regala, Fairley and Spanel

AN ACT Relating to establishing a funding source for local and state-administered low-income housing projects; and adding a new section to chapter 82.45 RCW.  
Referred to Committee on Ways and Means.

SB 6104 by Senators Kline, Constantine, Costa and Kohl-Welles

AN ACT Relating to limiting exemptions from animal cruelty in the second degree; amending RCW 16.52.185; and adding a new section to chapter 16.52 RCW.  
Referred to Committee on Agriculture and International Trade.

SB 6105 by Senators Patterson and McCaslin

AN ACT Relating to costs of primaries; and adding a new section to chapter 29.18 RCW.  
Referred to Committee on State and Local Government.

SB 6106 by Senators Patterson, Carlson and McCaslin

AN ACT Relating to changing the partisan primary to a preliminary election if the major political parties do not pass party rules that agree to a blanket primary; amending RCW 29.01.160, 29.15.150, 29.15.160, 29.15.190, 29.15.210, 29.15.220, 29.15.230, 29.18.150, 29.18.160, 29.18.200, 29.27.020, 29.30.085, 29.30.095, 29.30.101, 29.42.010, 29.42.020, 29.42.050, 29.62.010, 29.68.080, 29.68.100, 29.68.120, and 29.68.130; adding new sections to chapter 29.01 RCW; adding a new section to chapter 29.15 RCW; and adding a new section to chapter 29.18 RCW.  
Referred to Committee on State and Local Government.

SJM 8020 by Senators Hewitt, Sheahan, Morton, Hochstatter, Johnson, Roach and Stevens

Requesting support to combat Douglas fir bark beetles.

Referred to Committee on Natural Resources, Parks and Shorelines.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1000 by House Committee on Capital Budget (originally sponsored by Representatives Murray, Alexander, Ogden, Schoesler, Armstrong, Linville and McIntire) (by request of Public Works Board)

Managing capital facility projects by the public works board.

Referred to Committee on Ways and Means.

SHB 1001 by House Committee on Capital Budget (originally sponsored by Representatives Alexander, Murray, Armstrong, Hatfield, Dickerson, Linville, Kenney, Simpson, McIntire, Edmonds, Keiser, Schual-Berke, Ogden and Fromhold) (by request of Public Works Board)

Authorizing projects recommended by the public works board.

Referred to Committee on Ways and Means.

HB 1036 by Representatives Benson and Hatfield (by request of Department of Financial Institutions)

Investigating alien banks.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1040 by Representatives Ballasiotes, O'Brien, Jarrett, Conway and Simpson

Authorizing crime victims' compensation benefits in hit-and-run vehicular assault cases.

Referred to Committee on Judiciary.

HB 1055 by Representatives Haigh and Eickmeyer

Exempting certain leasehold interests from leasehold excise tax.

Referred to Committee on Ways and Means.

HB 1069 by Representatives Campbell, Cody and Edwards (by request of Department of Health)

Modifying the health professions' appointment of pro tem members.

Referred to Committee on Health and Long-Term Care.

HB 1071 by Representatives Doumit, Buck, Sump, Ogden and Dunn (by request of Salmon Recovery Funding Board)

Adjusting deadlines for salmon recovery grant applications.

Referred to Committee on Natural Resources, Parks and Shorelines.

HB 1095 by Representatives Mitchell, Fisher and Hankins (by request of Department of Transportation)

Updating oversize load permits.

Referred to Committee on Transportation.

HB 1098 by Representatives Fisher, Woods, McIntire, Haigh, Edwards and Linville (by request of Department of Transportation)

Improving the effectiveness of the commute trip reduction program.

Referred to Committee on Transportation.

EHB 1099 by Representatives Santos, Benson, Tokuda, Bush, DeBolt, Hatfield and McIntire

Outlining requirements for the operation of a PACE program in Washington state.

Referred to Committee on Labor, Commerce and Financial Institutions.

SHB 1125 by House Committee on Finance (originally sponsored by Representatives Cairnes, Morris and Esser)

Limiting the combined sales tax rate on lodging.

Referred to Committee on Ways and Means.

HB 1205 by Representatives Keiser, DeBolt, Barlean, Simpson and Santos (by request of Department of Financial Institutions)

Licensing and regulation of consumer loan companies.

Referred to Committee on Labor, Commerce and Financial Institutions.

HB 1309 by Representatives Edwards, Van Luven, Cody, Skinner, Schual-Berke, O'Brien, Reardon, Mulliken, Dunshee, Pennington, Rockefeller, Eickmeyer, Ruderman, Darneille, Fromhold, Wood, Cooper, Hatfield, Linville, Grant, Keiser, Kenney, McIntire, Campbell, Edmonds and Kagi

Establishing training standards for hemodialysis technicians.

Referred to Committee on Health and Long-Term Care.

HJR 4202 by Representatives H. Sommers, Sehlin, Benson, Hatfield and McIntire (by request of State Investment Board)

Investing state investment board funds.

Referred to Committee on Labor, Commerce and Financial Institutions.

#### MOTION

On motion of Senator Kastama, the following resolution was adopted:

#### SENATE RESOLUTION 2001-8619

***By Senators Kastama, Rasmussen, Johnson, Snyder, Fairley, Spanel, Fraser, Kohl-Welles, Regala, Sheldon, B., and McAuliffe***

***WHEREAS, It is the policy of the Washington State Senate to recognize the outstanding contributions of our residents; and***

***WHEREAS, Dr. Frank B. Brouillet--affectionately known by colleagues, friends, and citizens of this state as "Buster"--was a lifelong public servant and The Voice of and for education in this state during the Sixties, Seventies, and Eighties who died January 20, 2001, after an eight-year battle with leukemia; and***

***WHEREAS, He devoted his political and professional life to upholding the paramount duty of the Washington State Constitution--i.e., to provide ample education for all children residing within its borders, without distinction or preference on account of race, color, caste, or sex; and***

***WHEREAS, As a lifelong resident of Puyallup, Buster graduated from Puyallup High School in 1946, and after college at the University of Puget Sound and military service to his country in Alaska, returned to Puyallup to teach at his alma mater high school in 1955 before he launched his political career in 1956; and***

**WHEREAS, During his sixteen-years as a member of the State House of Representatives, where he specialized in education legislation and appropriations, he became respected and known by his colleagues on both sides of the aisle as "Mr. Education" and is remembered best for his four terms (eight years) as Chair of the Joint Committee on Education, a very active House-Senate interim committee of the Sixties; and**

**WHEREAS, Upon announcing his intention to run for the non-partisan office of Superintendent of Public Instruction, a statewide position constitutionally charged with supervision over all matters pertaining to public schools, many of his legislative colleagues from both sides of the aisle, in respect for the bipartisan manner, enthusiastically endorsed and worked for his election; and**

**WHEREAS, Buster then served four terms as Superintendent of Public Instruction and is credited with providing leadership for altering our state's working definition of "equal education for all". This standardized curriculum for all students is now our state's current educational policy of providing extra help for those students who otherwise would not obtain their educational goals and also provides an alternative curriculum for those students who would be a certain high risk for failure. Our current remediation, gifted, bilingual, vocational skills, and special education programs are prime examples of Buster's legacy in our state's education system; and**

**WHEREAS, Upon his departure from the office, this Chamber--in recognition of his distinguished years of advocacy for our children, for the educators who served our children, and for the Legislature's role in improving the quality of education in this state--bestowed upon him the lifelong title of Superintendent of Public Instruction Emeritus. While many assumed that Buster then would seek a less public, less stressful, and more senior citizen type lifestyle, he surprised all by accepting the Presidency of Pierce College and, to the delight of his constituency from the Twenty-fifth Legislative District that launched his political career, he led the way and presided over the establishment of Pierce College's Puyallup campus; and**

**WHEREAS, As Superintendent of Public Instruction, Buster played an integral role in opening China to the West during President Nixon's administration and continued, after leaving that office, as director of the Pacific Rim Center, initially at the University of Washington, Seattle campus and later at the Tacoma campus, providing educational exchange opportunities for educators, students, and statesmen--American and Chinese; and**

**WHEREAS, Buster, when asked to return to serve the University of Washington, Tacoma campus as interim director of the education department and its professional preparation program during an administrative difficulty, he not only unhesitatingly did so, but felt it was time to give back to the citizens of this state for the bestowed honor to serve his state in so many important positions and refused to accept more than a small amount of pay; and**

**WHEREAS, When called by our Governor to provide additional unpaid public service to the citizens of this state as a member of the Higher Education Coordinating Board, he again unhesitatingly did so and was well prepared for the assignment. He had written his University of Washington doctoral dissertation on the governance and coordination of higher education and was an active participant as a legislator in the many governance and articulation issues related to the separation of community colleges from the K-12 system;**

**NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate, on behalf of the people of our state, do hereby recognize the outstanding contribution and commitment of Dr. Frank "Buster" Brouillet to improving all levels of education in this state and do hereby acknowledge he did so unselfishly for the benefit of the people of Washington; and**

**BE IT FURTHER RESOLVED, That we gratefully acknowledge Buster's assistance in, and appreciation for, the legislative process in the making of educational policy and for his kind behind the scene persuasion when he believed we were about to err on an education matter; and**

**BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Frank "Buster" Brouillet's family members, including his wife, Marge; his two sons, Marc and Blair; and his grandchildren; and to the following with a request that it be appropriately displayed for public viewing: Office of Superintendent of Public Instruction, Puyallup High School, Pierce College, University of Puget Sound, University of Washington, Seattle and Tacoma, and Frank "Buster" Brouillet Elementary School.**

Senators Kastama, Rasmussen, McAuliffe, Thibaudeau, Winsley, Snyder, Kohl-Welles and Fraser spoke to Senate Resolution 2001-8619.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Frank "Buster" Brouillet family--his wife Marge; his son, Marc; his daughter in law Tami; and his grandchildren Jordan and Brooke; who were seated in the gallery.

The President also welcomed and introduced former Senator Marc Gaspard, who was seated with the family in the gallery.

## MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

## REPORTS OF STANDING COMMITTEES

February 19, 2001

SB 5033 Prime Sponsor, Senator Fairley: Revising employee personnel file inspection provisions. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5033 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter, Honeyford and West.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5081 Prime Sponsor, Senator Haugen: Requiring a permit from the department of fish and wildlife to operate a facility that cares for or rehabilitates wild animals. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5081 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5100 Prime Sponsor, Senator Fraser: Expediting the processing of pending applications relating to existing water rights. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5100 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Patterson.

MINORITY Recommendation: Do not pass. Signed by Senator Morton.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5127 Prime Sponsor, Senator Prentice: Determining the number of unclassified personnel in the sheriff's office. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5128 Prime Sponsor, Senator Swecker: Removing limitation on prescription medications for industrial injuries. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5128 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5135 Prime Sponsor, Senator Kastama: Applying the consumer protection act to manufactured/mobile home landlord-tenant act violations. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter, Honeyford and West.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5137 Prime Sponsor, Senator Fairley: Creating a low-income home ownership loan program. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5137 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Honeyford, Patterson, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Referred to Committee on Ways and Means.

February 19, 2001

SB 5184 Prime Sponsor, Senator Thibaudeau: Reporting investigations of vulnerable adult abuse. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5184 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5209 Prime Sponsor, Senator T. Sheldon: Allowing federally recognized Indian tribes to buy surplus real property from the department of transportation. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5210 Prime Sponsor, Senator T. Sheldon: Modifying the taxation of certain leasehold interests. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fraser, Hewitt, Long, Parlette, Rasmussen, Regala, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5218 Prime Sponsor, Senator Eide: Regulating the sale, distribution, and installation of air bags. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5218 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice and Shin.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5224 Prime Sponsor, Senator Prentice: Redeveloping King Street railroad station. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5224 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5263 Prime Sponsor, Senator Snyder: Changing provisions relating to employment rights of members of reserve and national guard forces. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5263 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5264 Prime Sponsor, Senator Prentice: Prohibiting public employers from firing employees to avoid providing benefits. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Referred to Committee on Ways and Means.

February 19, 2001

SB 5295 Prime Sponsor, Senator Jacobsen: Creating the Washington wildlife conservation foundation. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5295 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Oke and Snyder.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5333 Prime Sponsor, Senator Honeyford: Concerning preliminary permits for water closed to diversions due to a federal moratorium. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5364 Prime Sponsor, Senator Horn: Modifying drivers' license and identicard provisions. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5364 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5374 Prime Sponsor, Senator Constantine: Imposing criminal penalties and sanctions for the unauthorized sale of baby food, infant formula, cosmetics, personal care products, nonprescription drugs, or medical devices. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Rasmussen, Regala and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hochstatter and Honeyford.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5377 Prime Sponsor, Senator Gardner: Marking the gross weight on certain vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5385 Prime Sponsor, Senator Kastama: Modifying educational service districts' borrowing authority. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5386 Prime Sponsor, Senator Kastama: Regarding educational service districts' superintendent review committees. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5386 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen and Regala.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5387 Prime Sponsor, Senator Kastama: Including educational service districts in school district provisions. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5390 Prime Sponsor, Senator Constantine: Clarifying tax exemptions for sale or use of orthotic devices.  
Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5396 Prime Sponsor, Senator Prentice: Restricting the investment of insurers in depository institutions or any company which controls a depository institution. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5412 Prime Sponsor, Senator Fraser: Developing standards to process applications for a water right, transfer, or change. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5412 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Referred to Committee on Ways and Means.

February 19, 2001

SB 5430 Prime Sponsor, Senator Costa: Requiring insurers to provide coverage for cranial hair prostheses.  
Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

Referred to Committee on Ways and Means.

February 20, 2001

SB 5434 Prime Sponsor, Senator Oke: Removing the photo requirement for special identification cards for persons issued disabled parking permits. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5434 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Finkbeiner, Horn, Jacobsen, McAuliffe, Oke, Patterson, Prentice and Shin.

MINORITY Recommendation: Do not pass. Signed by Senator Kastama.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5442 Prime Sponsor, Senator Snyder: Allowing the use of certain salmon fishing gear with an experimental fishery permit. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5442 be substituted therefor, and the substitute bill do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5491 Prime Sponsor, Senator Kline: Revising small claims proceedings. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Kastama, McCaslin and Thibaudeau.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5493 Prime Sponsor, Senator Jacobsen: Modifying distributions from the youth athletic facility account. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5495 Prime Sponsor, Senator Jacobsen: Modifying the appointment process for members of the community outdoor athletic fields advisory council. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5528 Prime Sponsor, Senator McAuliffe: Requiring policies prohibiting harassment, intimidation, and bullying on school grounds and at school activities. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5528 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Prentice, Rasmussen and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Hochstatter.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5534 Prime Sponsor, Senator Eide: Regulating pesticide use in schools. Reported by Committee on Education

MAJORITY Recommendation: That it be referred to Committee on Agriculture and International Trade without Recommendation. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Referred to Committee on Agriculture and International Trade.

February 19, 2001

SB 5543 Prime Sponsor, Senator Kastama: Improving student safety. Reported by Committee on Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5543 be substituted therefor, and the substitute bill do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5572 Prime Sponsor, Senator Snyder: Authorizing Crimestoppers signs in view of specified highway systems.  
Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5572 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5582 Prime Sponsor, Senator Roach: Authorizing the conditional employment of teachers with lapsed certificates. Reported by Committee on Education

MAJORITY Recommendation: Do pass. Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Hewitt, Hochstatter, Johnson, Kastama, Kohl-Welles, Prentice, Rasmussen, Regala and Zarelli.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5587 Prime Sponsor, Senator Rasmussen: Providing tax exemptions for fish products and recreation services.  
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Referred to Committee on Ways and Means.

February 19, 2001

SB 5592 Prime Sponsor, Senator Kastama: Making a technical amendment regarding the motor vehicle excise tax.  
Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5637 Prime Sponsor, Senator Jacobsen: Creating a program of watershed health monitoring and assessments.  
Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5637 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5654 Prime Sponsor, Senator Prentice: Licensing insurance agents, brokers, solicitors, and adjusters. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5694 Prime Sponsor, Senator Winsley: Establishing a certification program for mobile home park managers.  
Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Patterson, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5697 Prime Sponsor, Senator Roach: Modifying missing persons record retention policies. Reported by  
Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5699 Prime Sponsor, Senator Carlson: Modifying the Washington state scholars program. Reported by  
Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5702 Prime Sponsor, Senator Snyder: Changing taxation of forest lands. Reported by Committee on Ways and  
Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5702 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5725 Prime Sponsor, Senator Spanel: Authorizing the department of revenue to issue direct pay permits.  
Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5767 Prime Sponsor, Senator Carlson: Granting property tax exemptions to certain nonprofit organizations.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 5767 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 19, 2001

SB 5795 Prime Sponsor, Senator Thibaudeau: Providing for determination of disability for special parking privileges by advanced registered nurse practitioners. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 5795 be substituted therefor, and the substitute bill do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Transportation.

February 19, 2001

SB 5821 Prime Sponsor, Senator Kohl-Welles: Providing a wage increase for direct care workers in long-term care service. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

February 20, 2001

SB 5887 Prime Sponsor, Senator Kohl-Welles: Clarifying that certain technology transactions by institutions of higher education are exempt from state ethics requirements. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5903 Prime Sponsor, Senator Winsley: Changing physician license fees. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: Do pass. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5919 Prime Sponsor, Senator Morton: Providing for the assessment of potential site locations for water storage projects. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5919 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5920 Prime Sponsor, Senator Constantine: Requiring the parks and recreation commission to have a record check performed on certain job applicants. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That the bill be referred to Committee on Judiciary without recommendation. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Referred to Committee on Judiciary.

February 19, 2001

SB 6020 Prime Sponsor, Senator Thibaudeau: Addressing access to dental care. Reported by Committee on Health and Long-Term Care

MAJORITY Recommendation: That Substitute Senate Bill No. 6020 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Deccio, Fraser, Parlette and Winsley.

Referred to Committee on Ways and Means.

February 20, 2001

SB 6035 Prime Sponsor, Senator Kohl-Welles: Creating a college board job bank. Reported by Committee on Higher Education

MAJORITY Recommendation: That Substitute Senate Bill No. 6035 be substituted therefor, and the substitute bill do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Jacobsen, McAuliffe and B. Sheldon.

MINORITY Recommendation: Do not pass. Signed by Senators Horn and Parlette.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 6059 Prime Sponsor, Senator Fraser: Restructuring the litter tax and a portion of the hazardous substance tax. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, McDonald, Morton and Patterson.

Referred to Committee on Ways and Means.

February 20, 2001

SB 6060 Prime Sponsor, Senator Fraser: Updating references for purposes of the hazardous substance tax. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, McDonald, Morton and Patterson.

Referred to Committee on Ways and Means.

February 19, 2001

SJM 8006 Prime Sponsor, Senator Jacobsen: Requesting fish passage modifications be made to the Leavenworth National Fish Hatchery. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SJM 8013 Prime Sponsor, Senator Fraser: Requesting Congress to restore the sales tax deduction for federal income taxes. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Betti Sheldon, Senate Bill No. 5264 was referred to the Committee on Ways and Means.

On motion of Senator Betti Sheldon, Senate Bill No. 5528 and Senate Bill No. 5637 were referred to the Committee on Rules.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5795 was referred to the Committee on Transportation.

REPORTS OF STANDING COMMITTEES  
GUBERNATORIAL APPOINTMENTS

February 20, 2001

GA 9033 MARY PLACE, appointed September 22, 1999, for a term ending August 2, 2002, as a member of the Sentencing Guidelines Commission.  
Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Passed to the Committee on Rules.

February 20, 2001

GA 9144 EDWARD DELMORE, appointed October 24, 2000, for a term ending September 2, 2001, as a member of the Sentencing Guidelines Commission.  
Reported by Committee on Judiciary

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Passed to the Committee on Rules.

MOTION

At 10:31 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 11:44 a.m. by President Pro Tempore Franklin.

MOTION

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

MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

SENATE RESOLUTION 2001-8623

***By Senators Rasmussen, Johnson, Honeyford, Hewitt, Sheahan, Fraser, and Haugen***

***WHEREAS, Washington produces one-third of all potatoes exported from the United States; and  
WHEREAS, The state produced 170,000 acres of potatoes in 1999 and is first in the nation in per-acre yield; and***

***WHEREAS, Washington State is the second-largest producer of potatoes in the United States with a farmgate value of nearly \$500 million; and***

***WHEREAS, Ninety percent of all potatoes grown in Washington are marketed out of the state, with a significant portion going to Asia and Latin America via the ports of Seattle and Tacoma; and***

**WHEREAS, Washington's potato industry generates \$3 billion in sales annually and adds approximately 28,000 jobs to the state economy; and**  
**WHEREAS, Washington potato growers have won "environmentally friendly" national awards three years in a row for their efficient use of water and fertilizer; and**  
**WHEREAS, The reputation of Washington's potatoes is such that they are also referred to as "Watatoes";**  
**NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes the men and women in the state who have helped make Washington's potato industry as successful as it is, and thanks the Washington State Potato Commission for the opportunity to sample its product today in the Capitol Rotunda; and**  
**BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Pat Boss, Executive Director of the Washington State Potato Commission.**

Senators Rasmussen, Hochstatter, Shin, Honeyford, Hale and Haugen spoke to Senate Resolution 2001-8623.

#### MOTION

On motion of Senator Rasmussen, the following resolution was adopted:

#### SENATE RESOLUTION 2001-8622

**By Senators Rasmussen, Johnson, Honeyford, Hewitt, Sheahan**

**WHEREAS, The Washington State Senate recognizes the outstanding contribution of the beef cattle industry to the state's economy; and**  
**WHEREAS, The farm and value-added output of the beef cattle industry contribute more than \$1.6 billion to the state; and**  
**WHEREAS, The agricultural commodity of beef cattle in Washington totals more than \$465 million; and**  
**WHEREAS, Washington's beef cattle growers manage approximately 1.3 million head of cattle and calves annually; and**  
**WHEREAS, Approximately 9,000 farmers and ranchers in Washington are employed as beef producers; and**  
**WHEREAS, Americans support this industry by eating, pound for pound, more beef than any other meat;**  
**NOW, THEREFORE, BE IT RESOLVED, That the hard work of the men and women who handle beef cattle is hereby recognized by the Washington State Senate; and**  
**BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Washington State Beef Commission and the Washington Cattlemen's Association.**

Senators Rasmussen, Morton, Honeyford and Snyder spoke to Senate Resolution 2001-8622.

#### POINT OF INQUIRY

Senator West: "Senator Morton, the potato growers are serving baked potatoes in the rotunda today. We can take those home if we want or we can eat them here. Are the cattle guys going to give us whole cows or something to eat?"

Senator Morton: "Senator West, I assure you that they are out there growing our young calves. You see, we are right in the stage now where it is calving time--where our mother cows are now delivering. It is not an appropriate time to do that. We will look forward to something like that in the fall and we can have a barbeque."

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 5453, by Senator Deccio

Authorizing an air pollution control officer to request a search warrant for investigative purposes.

The bill was read the second time.

MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 5453 was referred to the Committee on Rules.

MOTION

At 11:53 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Thursday, February 22, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-FIFTH DAY, FEBRUARY 21, 2001

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**FORTY-SIXTH DAY**

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NOON SESSION  
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Senate Chamber, Olympia, Thursday, February 22, 2001

The Senate was called to order at 12:00 noon by President Owen. No roll call was taken.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 2001

SB 5132 Prime Sponsor, Senator Kastama: Establishing a do not call list for commercial telephone solicitation.  
Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5132 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Fairley, Finkbeiner, Haugen, McCaslin and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5143 Prime Sponsor, Senator Long: Modifying the Washington state patrol retirement system retirement and survivor benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5145 Prime Sponsor, Senator Long: Exempting trainers and trainees in housing authority resident training programs from membership in the public employees' retirement system. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5146 Prime Sponsor, Senator Franklin: Reducing the law enforcement officers' and fire fighters' retirement system plan 2 disability actuarial reduction age from fifty-five to fifty-three. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5147 Prime Sponsor, Senator Winsley: Correcting statutes pertaining to the public employees' and school employees' retirement systems. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5151 Prime Sponsor, Senator Carlson: Increasing the number of hours that teachers' retirement system plan retirees may work in an eligible position to eight hundred forty without a reduction in their retirement benefits. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5153 Prime Sponsor, Senator Jacobsen: Converting the number of months into hours that teachers' retirement system, public employees' retirement system, and school employees' retirement system retirees may work without a reduction in their retirement allowance. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 19, 2001

SB 5196 Prime Sponsor, Senator Prentice: Including credit scores in the fair credit reporting act. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5196 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5301 Prime Sponsor, Senator Patterson: Specifying conditions for requiring examination of a driver. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5301 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Eide, Finkbeiner, Horn, Jacobsen, Johnson, Kastama, McAuliffe, McDonald, Oke, Patterson, Prentice, T. Sheldon and Shin.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5329 Prime Sponsor, Senator Costa: Allowing crime victims employment leave. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5329 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5361 Prime Sponsor, Senator Parlette: Regarding instream flows and trust water rights. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5361 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5372 Prime Sponsor, Senator Prentice: Authorizing cooperative agreements concerning the taxation of cigarette sales on Indian lands. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5372 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Long, Parlette, Rasmussen, Rossi, Sheahan, B. Sheldon, Snyder and Spanel.

MINORITY Recommendation: Do not pass. Signed by Senator Regala.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5380 Prime Sponsor, Senator T. Sheldon: Reducing regulatory requirements on competitive telecommunications services and companies. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5380 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5400 Prime Sponsor, Senator T. Sheldon: Clarifying that the community economic revitalization board may make loans and grants to federally recognized Indian tribes. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5400 be substituted therefor, and the substitute bill do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5480 Prime Sponsor, Senator Fairley: Creating the relative caregiver program. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5480 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Referred to Committee on Ways and Means.

February 20, 2001

SB 5506 Prime Sponsor, Senator Jacobsen: Using reinsurance to satisfy the requirements of maintaining a separate reserve fund. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5506 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5514 Prime Sponsor, Senator Spanel: Revising public facility district provisions. Reported by Committee on State and Local Government

MAJORITY Recommendation: That Substitute Senate Bill No. 5514 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Horn, Kline, McCaslin and Swecker.

Referred to Committee on Ways and Means.

February 21, 2001

SB 5537 Prime Sponsor, Senator Franklin: Regulating internet advertisement for adoption. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5537 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5555 Prime Sponsor, Senator Hale: Establishing a branch office of the department of community, trade, and economic development in eastern Washington. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Fairley, Finkbeiner, Haugen, McCaslin and Stevens.

Referred to Committee on Ways and Means.

February 20, 2001  
SB 5577 Prime Sponsor, Senator Fairley: Enacting the civil service reform act of 2001. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen, Regala, West and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Hochstatter and Honeyford.

Referred to Committee on Ways and Means.

February 20, 2001  
SB 5586 Prime Sponsor, Senator Fraser: Modifying provisions concerning how water resource inventory areas receive funds to conduct planning. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5586 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

February 19, 2001  
SB 5605 Prime Sponsor, Senator Prentice: Regulating the investment limits of insurers in noninsurance subsidiaries. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Fairley, Franklin, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Passed to Committee on Rules for second reading.

February 21, 2001  
SB 5616 Prime Sponsor, Senator Patterson: Directing a state voters' pamphlet for primaries. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Haugen, Horn, Kline, Roach, T. Sheldon and Swecker.

Referred to Committee on Ways and Means.

February 20, 2001  
SB 5620 Prime Sponsor, Senator T. Sheldon: Encouraging the development of advanced telecommunications services in rural areas. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: That Substitute Senate Bill No. 5620 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Finkbeiner, Haugen, McCaslin and Stevens.

Referred to Committee on Ways and Means.

February 20, 2001  
SB 5623 Prime Sponsor, Senator Prentice: Licensing surplus line brokers. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Decchio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5647 Prime Sponsor, Senator Regala: Requiring new energy efficiency measures. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5647 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Jacobsen, McDonald, Morton and Patterson.

Referred to Committee on Ways and Means.

February 21, 2001

SB 5691 Prime Sponsor, Senator Costa: Adding a limitation on sealing of juvenile offender records. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5692 Prime Sponsor, Senator Costa: Creating youth courts. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5713 Prime Sponsor, Senator Honeyford: Changing provisions relating to seasonal or temporary transfer or changes by water users. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5713 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5728 Prime Sponsor, Senator Eide: Providing for temporary total disability compensation or medical aid benefits to be paid during appeal before the board of industrial insurance appeals. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: Do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson, Rasmussen and Regala.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Deccio, Hochstatter, Honeyford and West.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5799 Prime Sponsor, Senator T. Sheldon: Prescribing criminal penalties for fraudulently obtaining or using digital signatures and digital certificates. Reported by Committee on Economic Development and Telecommunications

MAJORITY Recommendation: Do pass. Signed by Senators T. Sheldon, Chair; B. Sheldon, Vice Chair; Fairley, Finkbeiner, Haugen, McCaslin, Rossi and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5813 Prime Sponsor, Senator Honeyford: Allowing restaurants and private clubs to sell wine for off-premises consumption. Reported by Committee on Labor, Commerce and Financial Institutions

MAJORITY Recommendation: That Substitute Senate Bill No. 5813 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Gardner, Vice Chair; Benton, Deccio, Fairley, Franklin, Hochstatter, Honeyford, Patterson, Rasmussen, Regala, West and Winsley.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5832 Prime Sponsor, Senator Haugen: Enabling counties planning under chapter 36.70A RCW to create nine lots in a short subdivision within a designated urban growth area. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Hale, Horn, Kline, Roach, T. Sheldon and Swecker.

Passed to Committee on Rules for Second Reading.

February 21, 2001

SB 5833 Prime Sponsor, Senator Costa: Permitting legislative hearings on initiatives and referendums. Reported by Committee on State and Local Government

MAJORITY Recommendation: Do pass. Signed by Senators Patterson, Chair; Fairley, Vice Chair; Hale, Haugen, Kline, Roach and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Horn and McCaslin.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5886 Prime Sponsor, Senator Long: Authorizing agreements to change the number of experts or professional persons who must examine a person for the state under chapter 10.77 RCW. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5910 Prime Sponsor, Senator Fraser: Regarding temporary nonuse of a water right. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: That Substitute Senate Bill No. 5910 be substituted therefor, and the substitute bill do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald, Morton and Patterson.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5972 Prime Sponsor, Senator Hargrove: Releasing juvenile offenders. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: Do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 22, 2001

SB 6025 Prime Sponsor, Senator Eide: Prohibiting methyl tertiary-butyl ether as a gasoline additive. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Hale, Honeyford, Jacobsen, McDonald and Morton.

Passed to Committee on Rules for second reading.

#### MOTIONS

On motion of Senator Kastama, Senate Bill No. 5577 was referred to the Committee on Ways and Means. On motion of Senator Kastama, Senate Bill No. 5832 and Senate Bill No. 6025 were passed to the Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 6107 by Senators Fraser and Morton

AN ACT Relating to geothermal energy; amending RCW 43.140.900; and declaring an emergency. Referred to Committee on Environment, Energy and Water.

SB 6108 by Senator Fraser

AN ACT Relating to conducting the proof examination for issuance of a water right certificate; and amending RCW 90.03.330. Referred to Committee on Environment, Energy and Water.

SB 6109 by Senators Patterson, Gardner and Kline (by request of Public Disclosure Commission)

AN ACT Relating to special reporting of independent expenditures and contributions occurring in close proximity to elections; amending RCW 42.17.105 and 42.17.175; adding a new section to chapter 42.17 RCW; and providing an effective date. Referred to Committee on State and Local Government.

SB 6110 by Senators Spanel, Gardner and Kohl-Welles

AN ACT Relating to the Puget Sound crab pot buoy tag program; and adding new sections to chapter 77.70 RCW. Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6111 by Senator Snyder

AN ACT Relating to circuit power sources; and adding a new section to chapter 19.28 RCW. Referred to Committee on Labor, Commerce and Financial Institutions.

SB 6112 by Senators Kline, Costa, Franklin, Constantine and Prentice

AN ACT Relating to inquest hearings; amending RCW 36.24.020; adding new sections to chapter 36.24 RCW; and creating a new section. Referred to Committee on Judiciary.

SB 6113 by Senators Swecker and Kline

AN ACT Relating to use of high-occupancy vehicle lanes by ultra-fuel-efficient vehicles; and amending RCW 46.61.165 and 47.52.025. Referred to Committee on Transportation.

SB 6114 by Senators Regala, Jacobsen, Swecker, Fraser, McDonald, Oke and Kline

AN ACT Relating to supporting voluntary watershed and natural resource organizations; adding a new section to chapter 90.54 RCW; creating new sections; and making an appropriation. Referred to Committee on Ways and Means.

MOTION

On motion of Senator Kastama, Senate Bill No. 6114 was referred to the Committee on Ways and Means.

MOTION

At 12:02 p.m., on motion of Senator Kastama, the Senate adjourned until 10:00 a.m., Friday, February 23, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SIXTH DAY, FEBRUARY 22, 2001

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**FORTY-SEVENTH DAY**

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MORNING SESSION  
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Senate Chamber, Olympia, Friday, February 23, 2001

The Senate was called to order at 10:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Deccio, McCaslin and Snyder. On motion of Senator Honeyford, Senators Deccio and McCaslin were excused.

The Washington Army National Guard, consisting of Staff Sergeant Douglas Karnitz, Staff Sergeant Elizabeth McIntyre, Sergeant First Class Robert Caires, Sergeant First Class Willy Jackson and Sergeant Marie Moynihan, presented the Colors. Major Charles Gillies, Jr. of the Salvation Army in Olympia offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 2001

SB 5187 Prime Sponsor, Senator Johnson: Updating creditor/debtor personal property exemptions. Reported by Committee on Judiciary

MAJORITY Recommendation: That Substitute Senate Bill No. 5187 be substituted therefor, and the substitute bill do pass. Signed by Senators Kline, Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5352 Prime Sponsor, Senator Horn: Increasing the building code council fee. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5370 Prime Sponsor, Senator Patterson: Splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5370 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, B. Sheldon, Snyder, Spanel and Thibaudeau.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Parlette and Rossi.

Passed to Committee on Rules for second reading.

February 20, 2001

SB 5389 Prime Sponsor, Senator Gardner: Adjusting small claims jurisdiction. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama, McCaslin, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

February 22, 2001

SB 5413 Prime Sponsor, Senator Stevens: Improving accountability in child dependency cases. Reported by Committee on Human Services and Corrections

MAJORITY Recommendation: That Substitute Senate Bill No. 5413 be substituted therefor, and the substitute bill do pass. Signed by Senators Hargrove, Chair; Costa, Vice Chair; Carlson, Franklin, Hewitt, Kastama, Kohl-Welles, Long and Stevens.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5447 Prime Sponsor, Senator Jacobsen: Modifying the forest fire protection assessment. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That Substitute Senate Bill No. 5447 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways and Means. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Referred to Committee on Ways and Means.

February 21, 2001

SB 5474 Prime Sponsor, Senator B. Sheldon: Modifying provisions concerning the general administration services account. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 5474 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser,

Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Rasmussen, Regala, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5531 Prime Sponsor, Senator Spanel: Restricting shrimp pot and commercial fishery licenses. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: Do pass. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Passed to Committee on Rules for second reading.

February 22, 2001

SB 5571 Prime Sponsor, Senator Sheahan: Authorizing Future Farmers of America license plates. Reported by Committee on Transportation

MAJORITY Recommendation: That Substitute Senate Bill No. 5571 be substituted therefor, and the substitute bill do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Horn, Jacobsen, Kastama, McDonald, Oke, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5621 Prime Sponsor, Senator Rasmussen: Allowing certain health practitioners specializing in the treatment of animals to operate independently of veterinarians. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: That Substitute Senate Bill No. 5621 be substituted therefor, and the substitute bill do pass. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder, Spanel and Swecker.

Passed to Committee on Rules for second reading.

February 22, 2001

SB 5649 Prime Sponsor, Senator Fraser: Allowing an electrical utility to file information with the Washington utilities and transportation commission concerning the company's decision to acquire electricity generation resources prior to a rate-setting proceeding. Reported by Committee on Environment, Energy and Water

MAJORITY Recommendation: Do pass. Signed by Senators Fraser, Chair; Regala, Vice Chair; Eide, Jacobsen and Morton.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5696 Prime Sponsor, Senator Rasmussen: Providing a tax rate for manufacturers of dairy products comparable to other processors of agricultural commodities. Reported by Committee on Agriculture and International Trade

MAJORITY Recommendation: Do pass and be referred to Committee on Ways and Means. Signed by Senators Rasmussen, Chair; Shin, Vice Chair; Parlette, Sheahan, Snyder and Swecker.

Referred to Committee on Ways and Means.

February 20, 2001

SB 5698 Prime Sponsor, Senator Patterson: Providing a time limit for the transmittal of unidentified persons information. Reported by Committee on Judiciary

MAJORITY Recommendation: Do pass. Signed by Senators Constantine, Vice Chair; Costa, Hargrove, Johnson, Kastama, Long, McCaslin, Roach and Zarelli.

Passed to Committee on Rules for second reading.

February 21, 2001

SB 5836 Prime Sponsor, Senator Fairley: Creating the community health center capital trust fund account. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice-Chair; Fraser, Kline, Kohl-Welles, Rasmussen, Regala, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

February 22, 2001

SB 5921 Prime Sponsor, Senator Kohl-Welles: Authorizing doctorate level degrees in physical therapy at Eastern Washington University. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to Committee on Rules for second reading.

February 22, 2001

SB 6033 Prime Sponsor, Senator Kohl-Welles: Authorizing a college savings plan. Reported by Committee on Higher Education

MAJORITY Recommendation: Do pass. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Referred to Committee on Ways and Means.

February 21, 2001

SB 6050 Prime Sponsor, Senator Morton: Providing funding for remote site wild fish incubators. Reported by Committee on Natural Resources, Parks and Shorelines

MAJORITY Recommendation: That the bill be referred to Committee on Ways and Means without recommendation. Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Referred to Committee on Ways and Means.

#### MOTION

On motion of Senator Betti Sheldon, Senate Bill No. 6033 was referred to the Committee on Ways and Means.

#### REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

February 22, 2001

GA 9015 BERTHA M. GOEHNER, appointed February 2, 2000, for a term ending September 30, 2004, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15. Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9030 CAROL LANDA-McVICKER, appointed March 1, 2000, for a term ending September 30, 2003, as a member of the Board of Trustees for Spokane and Spokane Falls Community Colleges District No. 17.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9059 GENE L. CHASE, appointed April 3, 2000, for a term ending September 30, 2002, as a member of the Board of Trustees for Everett Community College District No. 5.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9098 MATTHEW MOORE, appointed June 1, 2000, for a term ending May 31, 2001, as a member of the Board of Regents for Washington State University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9106 SHAWNTE' PEARSON, appointed June 1, 2000, for a term ending May 31, 2001, as a member of the Board of Trustees for Central Washington University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9116 DONALD ROOT, appointed October 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Seattle, South Seattle and North Seattle Community Colleges District No. 6.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9121 HERB SIMON, appointed July 12, 2000, for a term ending June 30, 2004, as a member of the Higher Education Coordinating Board.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9125 RAFAEL STONE, appointed April 13, 2000, for a term ending September 30, 2005, as a member of the Board of Regents for Washington State University.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

February 22, 2001

GA 9137 KRIS POMIANEK, appointed December 1, 2000, for a term ending September 30, 2005, as a member of the Board of Trustees for Wenatchee Valley Community College District No. 15.  
Reported by Committee on Higher Education

MAJORITY Recommendation: That said appointment be confirmed. Signed by Senators Kohl-Welles, Chair; Shin, Vice Chair; Carlson, Horn, Jacobsen, McAuliffe, Parlette, Sheahan and B. Sheldon.

Passed to the Committee on Rules.

#### INTRODUCTION AND FIRST READING

SB 6115 by Senators Rossi, Roach, Benton, McDonald, Johnson, Finkbeiner, Horn, Stevens, Long and Honeyford

AN ACT Relating to general obligation bonds for regional transit authorities; and amending RCW 81.112.130.  
Referred to Committee on Transportation.

SB 6116 by Senator McAuliffe

AN ACT Relating to volunteers at school athletic events; and adding a new section to chapter 4.24 RCW.  
Referred to Committee on Judiciary.

SB 6117 by Senators Hochstatter and Stevens

AN ACT Relating to requiring that assessments measuring the essential academic learning requirements be proven to be valid measures of basic academics before they are mandatory; and amending RCW 28A.655.060.  
Referred to Committee on Education.

SB 6118 by Senator Roach

AN ACT Relating to election of precinct committee officers; and amending RCW 29.04.020, 29.15.120, 29.30.060, 29.36.030, 29.42.040, 29.42.050, and 29.81.220.  
Referred to Committee on State and Local Government.

SB 6119 by Senators Finkbeiner, Hewitt and Oke

AN ACT Relating to relief from the state property tax levy for senior citizens; amending RCW 84.36.385, 84.36.387, and 84.36.389; adding a new section to chapter 84.36 RCW; and creating a new section.  
Referred to Committee on Ways and Means.

SB 6120 by Senators Kline and Hochstatter

AN ACT Relating to persistent offenders; amending RCW 9.94A.030; adding a new section to chapter 9.94A RCW; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.  
Referred to Committee on Judiciary.

SB 6121 by Senators Kline, Winsley, Prentice, Oke and Kohl-Welles

AN ACT Relating to protection orders involving tenants; and adding a new section to chapter 59.18 RCW.  
Referred to Committee on Judiciary.

SB 6122 by Senators Kohl-Welles, Carlson, Shin and Jacobsen

AN ACT Relating to state funding for the enrollments of the state's institutions of higher education; amending RCW 28B.10.776, 28B.10.778, 28B.10.784, and 28B.10.786; creating a new section; and repealing RCW 28B.10.780 and 28B.10.782.  
Referred to Committee on Higher Education.

SJM 8021 by Senators McAuliffe, Finkbeiner, Regala, Johnson, Eide, Carlson, Winsley, Prentice, Oke and Kohl-Welles (by request of Superintendent of Public Instruction Bergeson)

Requesting that the federal government expand incentives to encourage people to become teachers in geographic areas and subjects with teacher shortages.

Referred to Committee on Education.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed, introduced and thanked Senate Pages Christian Mulcahy and Aaron Shields and House Page Mark Anikusko for a random act of kindness this past week. Observed by Senator Honeyford, the three Pages quickly and effectively came to the aid of a wheelchair bound visitor having difficulty navigating the rise in one of the campus sidewalks.

Members of the Senate stood and recognized the Pages for their kindness and thoughtfulness.

#### MOTION

On motion of Senator Roach, the following resolution was adopted:

#### SENATE RESOLUTION 2001-8616

By Senators Roach, Swecker, Johnson, Sheahan, Fairley, Rasmussen, Oke, Long, Costa, Winsley and Shin

WHEREAS, Washington State, as well as the rest of the country, recognizes and values freedom and democracy for its citizens and the world; and

WHEREAS, Our great nation has fought and continues to fight for freedom, democracy, and inalienable human rights, it is incumbent that the valiant efforts and turmoil of those fighting for this noble cause be recognized; and

WHEREAS, Freedom Fighter Aviator Ly Tong has courageously fought to educate, reform, and challenge governments, as well as citizens of non-democratic countries; and

WHEREAS, Freedom Fighter Aviator Ly Tong has given selflessly to this noble cause; and

WHEREAS, Because of Ly Tong's valiant efforts, he has been captured and imprisoned four times, each time escaping from contentious hands; and

WHEREAS, He has been a model activist for refugee communities throughout the world; and

WHEREAS, Ly Tong was faced with copious adversity, he managed to fight for his cause and obtained BA and Masters degrees in Political Science at New Orleans University; and  
WHEREAS, Freedom Fighter Aviator Ly Tong continues to zealously fight despite the opposition he faces;  
and

WHEREAS, Such efforts deserve the respect, admiration, and acknowledgment of all;  
NOW THEREFORE, BE IT RESOLVED, That, the Washington State Senate recognizes the valiant efforts of Freedom Fighter Aviator Ly Tong, and sends their heartfelt gratitude to him and his family as he continues to fight bravely for freedom, democracy, and human rights.

Senators Roach, McDonald, Swecker and Shin spoke to Senate Resolution 2001-8616.

#### INTRODUCTION OF SPECIAL GUEST

The President welcomed and introduced Freedom Fighter Aviator Ly Tong, who was seated in the gallery with many of his supporters.

#### MOTION

On motion of Senator Stevens, the following resolution was adopted:

#### SENATE RESOLUTION 2001-8620

***By Senators Stevens, Kastama, Winsley, Hewitt, Carlson, Long, Parlette, Rossi, West, Hale, Rasmussen, Roach, Benton, McDonald, Sheahan, Hargrove, Johnson, Morton, Sheldon, T., Zarelli, Honeyford, Oke, Hochstatter, McCaslin, Swecker, Haugen, Kohl-Welles and Gardner***

***WHEREAS, The state of Washington recognizes the critical importance and fundamental right of parents to be actively involved in the direction of their children's education and character development; and***

***WHEREAS, Home schools can provide families the opportunity for their children to receive a sound academic education and reinforced by the at-home educational process; and***

***WHEREAS, The state of Washington is committed to excellence in education and student achievement; and***

***WHEREAS, Studies confirm that children who are educated at home score exceptionally well on nationally normed achievement tests, exhibit self-confidence and good citizenship, and are fully prepared to meet the challenge of today's society; and***

***WHEREAS, The state of Washington appropriately recognizes, by law, the right to home education as a legitimate and viable educational alternative; and***

***WHEREAS, Teaching children at home was the predominant form of education for much of America's early years; and***

***WHEREAS, Many notable Americans have been the product of home education, including George and Martha Washington, Benjamin Franklin, Abigail Adams, John Quincy Adams, Thomas Edison, Helen Keller, Douglas MacArthur, Pearl S. Buck, Franklin Roosevelt, Patrick Henry, John Marshall, Abraham Lincoln, Booker T. Washington, and Woodrow Wilson; and***

***WHEREAS, Washington now has more children being educated at home schools than ever before in the history of our state; and***

***WHEREAS, Some parents of students who home school have accepted an additional financial responsibility to provide for their children's education, while at the same time paying taxes which support Washington's public school system; and***

***WHEREAS, Some parent educators devote countless hours to helping their children attain academic excellence, a deep sense of patriotism, and civic responsibility and prepare them to become productive citizens; and***

***WHEREAS, It is appropriate that Washington's home-educating families be recognized for their selfless contribution to the quality of education in this great state;***

***NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington hereby honor, thank, and celebrate the home-educating families in the state.***

Senators Stevens, Hargrove, Rasmussen and Hochstatter spoke to Senate Resolution 2001-8620.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced home school students and their parents, who were seated in the gallery.

#### MOTION

On motion of Senator Roach, the following resolution was adopted:

#### SENATE RESOLUTION 2001-8624

***By Senators Roach, Fairley, Sheldon, T., Rasmussen, Hale, Benton, Kline, Jacobsen, Zarelli, West, Hewitt, Parlette, Winsley, Honeyford, Horn, Franklin, Patterson, Constantine, Kohl-Welles, Finkbeiner, Oke, Long, Stevens, Sheldon, B., Kastama, Costa, Haugen, Gardner, Johnson, Carlson, Hochstatter, Swecker, Morton, Rossi, Regala, Fraser, Thibaudeau, Spanel, Eide, Sheahan and Shin***

***WHEREAS, The citizen soldiers of the Washington Army National Guard have served the citizens of the state of Washington with honor, selfless duty and courage for many years; and***

***WHEREAS, The Washington Army National Guard has an increased role of integration and service in conjunction with the active duty forces of the United States of America throughout the world; and***

***WHEREAS, The Troop Command major command of the Washington Army National Guard maintains, equips, and trains key units which includes the 248<sup>th</sup> Rear Area Operations Center headquartered in Port Orchard, Washington; and***

***WHEREAS, The 248<sup>th</sup> Rear Area Operations Center was activated to federal service on July 20, 2000, under the Presidential Reserve Select Call-up, to service in the Balkans area of Skopje, Macedonia, as part of the United States component of the Kosovo Forces (KFOR) Peacekeeping Operations; and***

***WHEREAS, The 248<sup>th</sup> Rear Area Operations Center operated Camp Able Sentry on a day-to-day basis the major base of operations for all U. S. Forces in the region as part of Task Force Falcon. The 248<sup>th</sup> Rear Area Operations Center soldiers worked long and dedicated hours in completing their assigned missions, as noted by the Unit Commander's report, which stated, "The situation in Kosovo continues to improve. Our fellow soldiers there are providing a safe and secure environment to assist the United Nations in rebuilding the country. They are making progress every day. Virtually all forms of violent crime have seen significant decreases over the past year. Our effort has fostered an environment that has allowed the Kosovo people to vote in elections for the first time in many years. The people (of Kosovo) have spoken loud and clear in support of democratic change."; and***

***WHEREAS, The 248<sup>th</sup> completed their service on behalf of the United States, and the state of Washington by completion of their duties in Kosovo in returning to Washington State on February 9, 2001;***

***THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington honors the Officers, Non-commissioned Officers and Soldiers of the 248<sup>th</sup> Rear Area Operations Center of the Washington Army National Guard; and***

***BE IT FURTHER RESOLVED, That the Senate extends its collective appreciation specifically to Major General Timothy Lowenberg, Adjutant General State of Washington; Col. Terry Oxley, Commander, Troop Command, Washington Army National Guard; Lt. Col. John Shaughnessy, Commander, 248<sup>th</sup> Rear Area Operations Center; Command Sergeant Major William Barkley; and all the men and women of the 248<sup>th</sup> Rear Area Operations Center for their selfless, professional and honorable service to our nation and state; and***

***BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the Governor, the Adjutant General, and the Officers, NCO's, and soldiers of the 248<sup>th</sup> Rear Area Operations Center, Washington Army National Guard.***

Senators Roach, Rasmussen, Betti Sheldon, Kastama and Shin spoke to Senate Resolution 2001-8624.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Troop Command of the 248th Division of the Washington Army National Guard, who were seated in the gallery.

#### MOTION

At 10:48 a.m., on motion of Senator Betti Sheldon, the Senate adjourned until 12:00 noon, Monday, February 26, 2001.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-SEVENTH DAY, FEBRUARY 23, 2001

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

**FORTY-EIGHTH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Saturday, March 2, 2002

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Costa, Deccio, Franklin and Rossi. On motion of Senator Eide, Senators Costa and Franklin were excused. On motion of Senator Hewitt, Senators Deccio and Rossi were excused.

The Sergeant at Arms Color Guard, consisting of Pages Lise Marie Curda and Alicia Martin, presented the Colors. Senator Adam Kline offered the prayer.

**MOTION**

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

**MESSAGE FROM THE SECRETARY OF STATE**

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

**MR. PRESIDENT:**

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

SENATE BILL NO. 6036

IN TESTIMONY WHEREOF, I have hereunto set my hand  
and affixed the Seal of the state of Washington, this 1st day  
of March, 2002.

**SAM REED**

(Seal) Secretary of State

**MESSAGE FROM THE GOVERNOR**

March 1, 2002

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

I am returning herewith, without my approval as to section 1, Senate Bill No. 6036 entitled:

"AN ACT Relating to local motor vehicle excise taxes;"

Senate Bill No. 6036 repeals certain motor vehicle excise tax statutes that were not expressly repealed in earlier legislation. Section 1 of the bill is an uncodified statement of intent. However, section 1 contains a drafting error that puts it in conflict with the operative portions of the bill. Consequently, the chairs of the Senate and House transportation committees have requested that section 1 be vetoed.

For these reasons, I have vetoed section 1 of Senate Bill No. 6036.  
With the exception of section 1, Senate Bill No 6036 is approved.

Respectfully submitted,  
**GARY LOCKE, Governor**

**MOTION**

On motion of Senator Roach, the following resolution was adopted:

**SENATE RESOLUTION 8776**

**By Senators Roach, Fraser and Johnson**

**WHEREAS, the Washington** State Senate has, on occasion, recognized the important role unique recreational and commercial resources play in providing the high quality of life our state is known for; and

WHEREAS, successful ongoing efforts to preserve such resources should be honored, and individuals who participate in such efforts should be thanked for cultivating civic participation, corporate responsibility and appropriate governmental action to achieve a public good; and

WHEREAS, Lake Tapps, a constructed reservoir, is a unique recreational and commercial resource that has been in place for so many decades that it is generally regarded as a permanent feature of the landscape; and

WHEREAS, a large number of the citizens of the state of Washington have made their homes on the shore of Lake Tapps and have made substantial investments in their property in reliance on the continued existence of the lake; and

WHEREAS, taxes on the property surrounding Lake Tapps are a significant portion of the tax revenues of Pierce County and the county would suffer irreparable harm if it were deprived of such tax revenues; and

WHEREAS, Lake Tapps serves as the reservoir for a hydropower generation project and contributes to the production of electricity for Pacific Northwest homes and businesses; and

WHEREAS, Lake Tapps has long been one of the most popular and heavily used recreational sites in the Northwest; and

WHEREAS, fish-transport facilities associated with the lake and hydropower projects provide a method for White River fish, including threatened Chinook Salmon, to migrate past the Army Corps of Engineers' Mud Mountain Dam and spawn upriver; and

WHEREAS, Lake Tapps would cease to exist without agreement among a number of government and private parties; and

WHEREAS, the Federal Energy Regulatory Commission has authorized a collaborative effort to save the lake for the benefit of the public; and

WHEREAS the collaborative effort is carried out by the Lake Tapps Task Force, which is composed of representatives of federal, state and local governments and agencies, American Indian tribes and a broad range of citizens affected by the Lake Tapps agreement; and

WHEREAS, the cooperation and support of officials in all levels of government is needed to bring the collaborative process to a timely and successful conclusion; and

WHEREAS, Lake Tapps serves a number of public interests vital to federal, state and local governments and their constituents;

NOW, THEREFORE, BE IT RESOLVED that the Senate of the state of Washington recognizes the tremendous commitment, cooperation and dedication demonstrated by all parties and expresses our sincerest thanks to the Lake Tapps Task Force, whose ongoing efforts have thus far achieved an agreement in principle regarding preservation of a vital public resource; and

BE IT FURTHER RESOLVED that copies of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Gary Locke, Governor of the state of Washington; the Federal Energy Regulatory Commission; the United States Army Corp of Engineers; the National Marine Fisheries Service; the Washington State Department of Ecology; the Washington State Department of Fish and Wildlife; the Honorable John Ladenburg, Pierce County Executive; and the Pierce County Council.

Senators Roach and Fraser spoke to Senate Resolution 8776.

MOTION

At 9:11 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:11 a.m. by President Owen.

MOTION

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

SECOND READING

HOUSE BILL NO. 2809, by Representatives Doumit, Chandler, Linville, Schoesler, Eickmeyer and Pearson

Concerning the application of pesticides in a forest environment.

The bill was read the second time.

MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 2809 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2809.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2809 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 1; Absent, 3; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Eide, Fairley, Finkbeiner, Fraser, Gardner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Winsley and Zarelli - 41.

Voting nay: Senator Thibaudeau - 1.

Absent: Senators Hargrove, Haugen and West - 3.

Excused: Senators Costa, Deccio, Franklin and Rossi - 4.

HOUSE BILL NO. 2809, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2450, by Representatives Hatfield, Dunshee, DeBolt, Jarrett and Anderson

Updating the Washington trade center act to authorize electronic commerce activities.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 2450 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2450.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2450 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Eide, Fairley, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Absent: Senator Regala - 1.

Excused: Senators Costa, Deccio, Franklin and Rossi - 4.

HOUSE BILL NO. 2450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senators McAuliffe and Thibaudeau was excused.

#### SECOND READING

HOUSE BILL NO. 2907, by Representatives Schoesler, Romero, Alexander, Murray, Ogden, Mitchell and Nixon

Encouraging fund-raising activities on behalf of the state legislative building.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the rules were suspended, House Bill No. 2907 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### POINT OF INQUIRY

Senator Benton: "Senator Gardner, in the summary of the bill and this is not coming through a committee I sit on, so I ask for a little clarification. It says, 'Not only for the State Legislative Building, but it also includes language that pertains to related educational exhibits and programs.' Could you explain that portion of the bill to me, please?"

Senator Gardner: "Well, I haven't read the bill. I assume that you are reading from the bill report and the testimony that we received in committee is that there are certain displays in the building, notably in the Secretary of State's Office, that we are also anxious to restore. There are four programs and other programs related to what is here in the Legislative Building, both the building itself and the decor that we will want to be sure to continue as well."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2907.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2907 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 5; Absent, 0; Excused, 6.

Voting yea: Senators Carlson, Costa, Eide, Fairley, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, West, Winsley and Zarelli - 38.

Voting nay: Senators Benton, Finkbeiner, Hochstatter, Roach and Stevens - 5.

Excused: Senators Brown, Deccio, Franklin, McAuliffe, Rossi and Thibaudeau - 6.

HOUSE BILL NO. 2907, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2592, by House Committee on Trade and Economic Development (originally sponsored by Representatives Gombosky, Ahern, Eickmeyer, Clements, Grant, Dunn, Fromhold, Mulliken, Wood, Ogden, Linville, Hatfield and Conway)

Modifying community revitalization financing.

The bill was read the second time.

#### MOTION

On motion of Senator Tim Sheldon, the rules were suspended, Substitute House Bill No. 2592 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2592.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2592 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 2; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Carlson, Costa, Eide, Fairley, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 41.

Voting nay: Senators Honeyford and McCaslin - 2.

Excused: Senators Brown, Deccio, Franklin, McAuliffe, Rossi and Thibaudeau - 6.

SUBSTITUTE HOUSE BILL NO. 2592, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2303, by Representatives Conway, Wood and Kenney (by request of Employment Security Department)

Correcting rate class 16 in schedule B.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the rules were suspended, House Bill No. 2303 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2303.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2303 and the bill passed the Senate by the following vote: Yeas, 42; Nays, 0; Absent, 1; Excused, 6.

Voting yea: Senators Benton, Carlson, Eide, Fairley, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 42.

Absent: Senator Costa - 1.

Excused: Senators Brown, Deccio, Franklin, McAuliffe, Rossi and Thibaudeau - 6.

HOUSE BILL NO. 2303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senator Regala was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2160, by House Committee on Financial Institutions and Insurance (originally sponsored by Representative McIntire)

Regulating charitable gift annuity businesses.

The bill was read the second time.

#### MOTION

On motion of Senator Prentice, the following Committee on Labor, Commerce and Financial Institutions striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.38.020 and 1998 c 284 s 2 are each amended to read as follows:

(1) Upon granting to such insurer or institution under RCW 48.38.010 a certificate of exemption to conduct a charitable gift annuity business, the insurance commissioner shall require it to establish and maintain a separate reserve fund adequate to meet the future payments under its charitable gift annuity contracts.

(2) The assets of the separate reserve fund:

(a) Shall be held legally and physically segregated from the other assets of the certificate of exemption holder;

(b) Shall be invested in the same manner that persons of reasonable prudence, discretion, and intelligence exercise in the management of a like enterprise, not in regard to speculating but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital. Investments shall be of sufficient value, liquidity, and diversity to assure the insurer or institution's ability to meet its outstanding obligations; and

(c) Shall not be liable for any debts of the insurer or institution holding a certificate of exemption under this chapter, other than those incurred pursuant to the issuance of charitable gift annuities.

(3) The amount of the separate reserve fund shall be:

(a) For contracts issued prior to July 1, 1998, not less than an amount computed in accordance with the standard of valuation based on the 1971 individual annuity mortality table with six percent interest for single premium immediate annuity contracts and four percent interest for all other individual annuity contracts;

(b) For contracts issued on or after July 1, 1998, in an amount not less than the aggregate reserves calculated according to the standards set forth in RCW 48.74.030 for other annuities with no cash settlement options;

(c) Plus a surplus of ten percent of the combined amounts under (a) and (b) of this subsection.

(4) The general assets of the insurer or institution holding a certificate of exemption under this chapter shall be liable for the payment of annuities to the extent that the separate reserve fund is inadequate.

(5) For any failure on its part to establish and maintain the separate reserve fund, the insurance commissioner shall revoke its certificate of exemption.

(6) If an institution holding a certificate of exemption under RCW 48.38.010 has purchased a single premium life annuity that pays the entire amount stipulated in the gift annuity agreement or agreements from an insurer (a) holding a certificate of authority under chapter 48.05 RCW, (b) licensed in the state in which the institution has its principle office, and (c) licensed in the state in which the single premium life annuity is issued, then in determining the minimum reserve fund that must be maintained under this section, a deduction shall be allowed from the minimum reserve fund in an amount not exceeding the reserve fund amount required for the annuity or annuities for which the single premium life annuity is purchased, subject to the following conditions:

(i) The institution has filed with the commissioner a copy of the single premium life annuity purchased and specifying which charitable gift annuity or annuities are being insured; and

(ii) The institution has entered into a written agreement with the annuitant and the insurer issuing the single premium life annuity providing that if for any reason the institution is unable to continue making the annuity payments required by its annuity agreements, the

annuitants shall receive payments directly from the insurer and the insurer shall be credited with all of these direct payments in the accounts between the insurer and the institution."

#### MOTIONS

On motion of Senator Prentice, the following title amendment was adopted:

On page 1, line 2 of the title, after "business;" strike the remainder of the title and insert "and amending RCW 48.38.020."

On motion of Senator Prentice, the rules were suspended, Substitute House Bill No. 2160, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2160, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2160, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 45.

Voting nay: Senator Thibaudeau - 1.

Excused: Senators Deccio, Regala and Rossi - 3.

SUBSTITUTE HOUSE BILL NO. 2160, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1189, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Dunn, Edmonds, Hunt, Dunshee, Ogden, Kenney and Wood) (by request of Department of Community, Trade, and Economic Development)

Enforcing protection of archaeological sites.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the rules were suspended, Substitute House Bill No. 1189 was advanced to third reading, the second reading considered the third and the bill was placed on final passage

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 1189.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1189 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 40.

Voting nay: Senators Finkbeiner, Hochstatter, Johnson, McDonald, Morton, Oke, Stevens and Zarelli - 8.

Excused: Senator Rossi - 1.

SUBSTITUTE HOUSE BILL NO. 1189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Benton served notice that he would move to reconsider the vote by which Substitute House Bill No. 1189 passed the Senate.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1474, by House Committee on Appropriations (originally sponsored by Representatives Van Luven, Veloria, Fromhold, Dunn, Eickmeyer, Kessler, Kenney, Schmidt, Edmonds, Ogden and Santos) (by request of Governor Locke)

Splitting the department of community, trade, and economic development and reestablishing the department of community development and the department of trade and economic development.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the rules were suspended, Engrossed Substitute House Bill No. 1474 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 1474.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1474 and the bill failed to pass the Senate by the following vote: Yeas, 21; Nays, 27; Absent, 1; Excused, 0.

Voting yea: Senators Carlson, Costa, Deccio, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Regala, Shin, Snyder, Spanel, Thibaudeau and Winsley - 21.

Voting nay: Senators Benton, Eide, Finkbeiner, Hargrove, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Stevens, Swecker, West and Zarelli - 27.

Absent: Senator Brown - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1474, having failed to receive the constitutional majority, was declared lost.

#### NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Betti Sheldon served notice that she would move to reconsider the vote by which Engrossed Substitute House Bill No. 1474 failed to pass the Senate.

#### SECOND READING

HOUSE BILL NO. 2672, by Representatives Kirby, O'Brien, Ballasiotes, Morell, Darneille, Lovick and Kagi

Limiting the liability of providers of treatment to high risk offenders.

The bill was read the second time.

#### MOTION

On motion of Senator Kline, the following Committee on Judiciary striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** A new section is added to chapter 71.24 RCW to read as follows:

(1) A licensed service provider or regional support network, acting in the course of the provider's or network's duties under this chapter, is not liable for civil damages resulting from the injury or death of another caused by a dangerous mentally ill offender who is a client of the provider or network, unless the act or omission of the provider or network constitutes:

(a) Gross negligence;

(b) Willful or wanton misconduct; or

(c) A breach of the duty to warn of and protect from a client's threatened violent behavior if the client has communicated a serious threat of physical violence against a reasonably ascertainable victim or victims.

(2) In addition to any other requirements to report violations, the licensed service provider and regional support network shall report an offender's expressions of intent to harm or other predatory behavior, regardless of whether there is an ascertainable victim, in progress reports and other established processes that enable courts and supervising entities to assess and address the progress and appropriateness of treatment.

(3) A licensed service provider's or regional support network's mere act of treating a dangerous mentally ill offender is not negligence. Nothing in this subsection alters the licensed service provider's or regional support network's normal duty of care with regard to the client.

(4) The limited liability provided by this section applies only to the conduct of licensed service providers and regional support networks and does not apply to conduct of the state.

(5) For purposes of this section, "dangerous mentally ill offender" means a person who has been identified under RCW 72.09.370 as an offender who: (a) Is reasonably believed to be dangerous to himself or herself or others; and (b) has a mental disorder."

#### MOTIONS

On motion of Senator Kline, the following title amendment was adopted:  
On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "and adding a new section to chapter 71.24 RCW."

On motion of Senator Kline, the rules were suspended, House Bill No. 2672, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2672, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2672, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 1; Excused, 0.

Voting yea: Senators Brown, Carlson, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 45.

Voting nay: Senators Benton, Roach and Zarelli - 3.

Absent: Senator Deccio - 1.

HOUSE BILL NO. 2672, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2467, by Representatives Sullivan, Dunshee, DeBolt, Mulliken and Berkey

Modifying county treasurer provisions.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the rules were suspended, House Bill No. 2467 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2467.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2467 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

HOUSE BILL NO. 2467, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Regala, Senators Brown and Poulsen were excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2288, by Representatives Fisher, Mitchell, Rockefeller, Wood and Esser (by request of Department of Transportation)

Facilitating perpetual management of environmental mitigation sites.

The bill was read the second time.

#### MOTION

On motion of Senator Swecker, the rules were suspended, Engrossed House Bill No. 2288 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2288.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2288 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and Poulsen - 2.

ENGROSSED HOUSE BILL NO. 2288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2370, by Representatives Schoesler, Cox, Eickmeyer, Ahern, Chandler, Mulliken and Haigh

Authorizing all counties to share county road engineering services.

The bill was read the second time.

## MOTION

On motion of Senator Gardner, the rules were suspended, House Bill No. 2370 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2370.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2370 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and Poulsen - 2.

HOUSE BILL NO. 2370, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2557, by House Committee on Natural Resources (originally sponsored by Representatives Lovick, Sump, Doumit, Buck, O'Brien, Pearson, Rockefeller, Ogden, McDermott, Mitchell, Boldt, Ericksen, Morell, Kenney and Jackley)

Revising provisions relating to metropolitan park districts.

The bill was read the second time.

## MOTION

On motion of Senator Jacobsen, the following Committee on Natural Resources, Parks and Shorelines striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.61.010 and 1994 c 81 s 60 are each amended to read as follows:

~~((Cities of five thousand or more population and such contiguous property the residents of which may decide in favor thereof in the manner set forth in this chapter may create))~~ A metropolitan park district may be created for the management, control, improvement, maintenance, and acquisition of parks, parkways, ~~((and))~~ boulevards, and recreational facilities. A metropolitan park district may include territory located in portions or all of one or more cities or counties, or one or more cities and counties, when created or enlarged as provided in this chapter.

Sec. 2. RCW 35.61.020 and 1965 c 7 s 35.61.020 are each amended to read as follows:

(1) When proposed by citizen petition or by local government resolution as provided in this section, a ballot proposition authorizing the creation of a metropolitan park district shall be submitted by resolution to the voters of the area proposed to be included in the district at any general election, or at any special election which may be called for that purpose((, or at any city election held in the city in all of the various voting precincts thereof, the city council or commission may, or on petition of fifteen percent of the qualified electors of the city based upon the registration for the last preceding general city election, shall by ordinance, submit to the voters of the city the proposition of creating a metropolitan park district, the limits of which shall be coextensive with the limits of the city as now or hereafter established, inclusive of territory annexed to and forming a part of the city)).

(2) The ballot proposition shall be submitted if the governing body of each city in which all or a portion of the proposed district is located, and the legislative authority of each county in which all or a portion of the proposed district is located within the unincorporated portion of the county, each adopts a resolution submitting the proposition to create a metropolitan park district.

(3) As an alternative to the method provided under subsection (2) of this section, the ballot proposition shall be submitted if a petition proposing creation of a metropolitan park district is submitted to the county auditor of each county in which all or a portion of the proposed district is located that is signed by at least fifteen percent of the registered voters residing in the area to be included within the proposed district. Where the petition is for creation of a district in more than one county, the petition shall be filed with the county auditor of the county having the greater area of the proposed district, and a copy filed with each other county auditor of the other counties covering the proposed district.

Territory by virtue of its annexation to any city (~~having heretofore created~~) whose territory lies entirely within a park district shall be deemed to be within the limits of the metropolitan park district. (~~The city council or commission shall submit the proposition at a special election to be called therefor when the petition so requests.~~) Such an extension of a park district's boundaries shall not be subject to review by a boundary review board independent of the board's review of the city annexation of territory.

**Sec. 3.** RCW 35.61.030 and 1985 c 469 s 32 are each amended to read as follows:

(~~In submitting the question to the voters for their approval or rejection, the city council or commission shall pass an ordinance declaring its intention to submit the proposition of creating a metropolitan park district to the qualified voters of the city. The ordinance shall be published once a week for two consecutive weeks in the official newspaper of the city, and the city council or commission shall cause to be placed upon the ballot for the election, at the proper place.~~)

(1) Except as provided in subsection (2) of this section for review by a boundary review board, the ballot proposition authorizing creation of a metropolitan park district that is submitted to voters for their approval or rejection shall appear on the ballot of the next general election or at the next special election date specified under RCW 29.13.020 occurring sixty or more days after the last resolution proposing the creation of the park district is adopted or the date the county auditor certifies that the petition proposing the creation of the park district contains sufficient valid signatures. Where the petition or copy thereof is filed with two or more county auditors in the case of a proposed district in two or more counties, the county auditors shall confer and issue a joint certification upon finding that the required number of signatures on the petition has been obtained.

(2) Where the proposed district is located wholly or in part in a county in which a boundary review board has been created, notice of the proposal to create a metropolitan park district shall be filed with the boundary review board as provided under RCW 36.93.090 and the special election at which a ballot proposition authorizing creation of the park district shall be held on the special election date specified under RCW 29.13.020 that is sixty or more days after the date the boundary review board is deemed to have approved the proposal, approves the proposal, or modifies and approves the proposal. The creation of a metropolitan park district is not subject to review by a boundary review board if the proposed district only includes one or more cities and in such cases the special election at which a ballot proposition authorizing creation of the park district shall be held as if a boundary review board does not exist in the county or counties.

(3) The petition proposing the creation of a metropolitan park district, or the resolution submitting the question to the voters, shall choose and describe the composition of the initial board of commissioners of the district that is proposed under RCW 35.61.050 and shall choose a name for the district. The proposition (~~which~~) shall (~~be expressed in~~) include the following terms:

- "For the formation of a metropolitan park district to be governed by [insert board composition described in ballot proposition]."
- "Against the formation of a metropolitan park district."

**Sec. 4.** RCW 35.61.040 and 1965 c 7 s 35.61.040 are each amended to read as follows:

If (~~at an election~~) a majority of the voters voting (~~thereon~~) on the ballot proposition authorizing the creation of the metropolitan park district vote in favor of the formation of a metropolitan park district, the metropolitan park district shall (~~then~~) be (~~and become~~) created as a municipal corporation effective immediately upon certification of the election results and its name shall be ("~~Metropolitan Park District of . . . . . (inserting the name of the city).~~") that designated in the ballot proposition.

**Sec. 5.** RCW 35.61.050 and 1994 c 223 s 23 are each amended to read as follows:

(1) The resolution or petition submitting the ballot proposition shall designate the composition of the board of metropolitan park commissioners from among the alternatives provided under subsections (2) through (4) of this section. The ballot proposition shall clearly describe the designated composition of the board.

(2) The commissioners of the district may be selected by election, in which case at the same election at which the proposition is submitted to the voters as to whether a metropolitan park district is to be formed, five park commissioners shall be elected. The election of park commissioners shall be null and void if the metropolitan park district is not created. Candidates shall run for specific commission positions. No primary shall be held to nominate candidates. The person receiving the greatest number of votes for each position shall be elected as a commissioner. The staggering of the terms of office shall occur as follows: (~~((1))~~) (a) The two persons who are elected receiving the two greatest numbers of votes shall be elected to six-year terms of office if the election is held in an odd-numbered year or five-year terms of office if the election is held in an even-numbered year; (~~((2))~~) (b) the two persons who are elected receiving the next two greatest numbers of votes shall be elected to four-year terms of office if the election is held in an odd-numbered year or three-year terms of office if the election is held in an even-numbered year; and (~~((3))~~) (c) the other person who is elected shall be elected to a two-year term of office if the election is held in an odd-numbered year or a one-year term of office if the election is held in an even-numbered year. The initial commissioners shall take office immediately when they are elected and qualified, and for purposes of computing their terms of office the terms shall be assumed to commence on the first day of January in the year after they are elected. Thereafter, all commissioners shall be elected to six-year terms of office. All commissioners shall serve until their respective successors are elected and qualified and assume office in accordance with RCW 29.04.170. Vacancies shall occur and shall be filled as provided in chapter 42.12 RCW.

(3) In a district wholly located within a city or within the unincorporated area of a county, the governing body of such city or legislative authority of such county may be designated to serve in an ex officio capacity as the board of metropolitan park commissioners, provided that when creation of the district is proposed by citizen petition, the city or county approves by resolution such designation.

(4) Where the proposed district is located within more than one city, more than one county, or any combination of cities and counties, each city governing body and county legislative authority may be designated to collectively serve ex officio as the board of metropolitan park commissioners through selection of one or more members from each to serve as the board, provided that when creation of the district is proposed by citizen petition, each city governing body and county legislative authority approve by resolution such designation. Within six months of the date of certification of election results approving creation of the district, the size and membership of the board shall be determined through interlocal agreement of each city and county. The interlocal agreement shall specify the method for filling vacancies on the board.

(5) Metropolitan park districts created by a vote of the people prior to the effective date of this act may not change the composition and method of selection of their governing authority without approval of the voters. Should such a change be desired, the board of park commissioners shall submit a ballot proposition to the voters of the metropolitan park district.

**Sec. 6.** RCW 35.61.150 and 1998 c 121 s 1 are each amended to read as follows:

Metropolitan park commissioners selected by election according to RCW 35.61.050(2) shall perform their duties and may provide, by resolution passed by the commissioners, for the payment of compensation to each of its commissioners at a rate of up to seventy dollars for each day or portion of a day devoted to the business of the district. However, the compensation for each commissioner must not exceed six thousand seven hundred twenty dollars per year.

Any commissioner may waive all or any portion of his or her compensation payable under this section as to any month or months during his or her term of office, by a written waiver filed with the clerk of the board. The waiver, to be effective, must be filed any time after the commissioner's election and prior to the date on which the compensation would otherwise be paid. The waiver shall specify the month or period of months for which it is made.

**Sec. 7.** RCW 84.52.010 and 1995 2nd sp.s. c 13 s 4 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 84.52.069, 84.34.230, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, and 84.52.105, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows: (a) The portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; (b) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and (c) if the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated; and

~~((e) Fifth)~~ (f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

In determining whether the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.050, exceeds the limitations provided in that section, the assessor shall use the hypothetical state levy, as apportioned to the county under RCW 84.48.080, that was computed under RCW 84.48.080 without regard to the reduction under RCW 84.55.012."

## MOTIONS

On motion of Senator Jacobsen, the following title amendment was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "and amending RCW 35.61.010, 35.61.020, 35.61.030, 35.61.040, 35.61.050, 35.61.150, and 84.52.010."

On motion of Senator Jacobsen, the rules were suspended, Substitute House Bill No. 2557, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

## POINT OF INQUIRY

Senator Roach: "Senator Jacobsen, I am just looking at this bill report here--does this then allow for a new taxing district?"

Senator Jacobsen: "Yes, a junior taxing district. It comes after all the others and has to be approved by the voters."

Senator Roach: "Thank you very much."

Further debate ensued.

## MOTION

Senator Roach moved that the remarks by the Senator from the Forty-first District (Senator Horn) be spread upon the Journal.

## MOTION

Senator Winsley moved that the remarks by the Senator from the Twenty-sixth District (Senator Oke) be spread upon the Journal.

The President declared the question before the Senate to be the motion by Senator Roach that the remarks by the Senator from the Forty-first District be spread upon the Journal.

The motion by Senator Roach failed.

The President declared the question before the Senate to be the motion by Senator Winsley that the remarks by the Senator from the Twenty-sixth District be spread upon the Journal.

The motion by Senator Winsley failed.

Further debate ensued.

Senators Snyder, McCaslin and Spanel demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be shall the main question be now put.

The demand for the previous question carried.

Senator Regala closed debate on Substitute House Bill No. 2557, as amended by the Senate.

#### MOTION

On motion of Senator Betti Sheldon, Senator Fairley was excused.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2557, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2557, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 20; Absent, 0; Excused, 3.

Voting yea: Senators Costa, Eide, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Oke, Parlette, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and Winsley - 26.

Voting nay: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Roach, Rossi, Sheahan, Stevens, West and Zarelli - 20.

Excused: Senators Brown, Fairley and Poulsen - 3.

SUBSTITUTE HOUSE BILL NO. 2557, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2299, by Representatives Esser, Lantz and Benson

Defining person under the business corporation act, uniform limited partnership act, and limited liability company act.

The bill was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, House Bill No. 2299 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2299.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2299 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Carlson, Costa, Deccio, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Absent: Senators Hargrove and Honeyford - 2.

Excused: Senators Brown, Fairley and Poulsen - 3.

HOUSE BILL NO. 2299, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

ENGROSSED HOUSE JOINT MEMORIAL NO. 4025, by Representatives Schindler, Ahern, Cox, Boldt, Mielke, Sump, Pearson, Nixon, Mulliken, Campbell, Benson, Morell, Talcott, Sehlin, Crouse, Buck, Holmquist, Esser, Schmidt, Ericksen, Haigh, Bush, Alexander, Anderson, Hankins, Lisk, Dunshee, Fisher, Mitchell, Woods, Armstrong, Grant, Santos, Hatfield, Wood, O'Brien, McDermott, Upthegrove, Jackley, Lysen, Kagi, Gombosky, Tokuda, Veloria, Kenney, Conway,

Cody, Dickerson, Lantz, Fromhold, Berkey, Edwards, Chase, Lovick, Schual-Berke, Murray, Barlean, Jarrett, Cooper, Rockefeller, Simpson, Sullivan, Skinner, Eickmeyer, Ogden, Morris, Linville, Dunn and Darneille

Requesting that Congress modify IDEA to allow parent choice for assessment and treatment.

The joint memorial was read the second time.

#### MOTION

On motion of Senator Thibaudeau, the rules were suspended, Engrossed House Joint Memorial No. 4025 was advanced to third reading, the second reading considered the third and the joint memorial was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Joint Memorial No. 4025.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Memorial No. 4025 and the joint memorial passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 49.

ENGROSSED HOUSE JOINT MEMORIAL NO. 4025, having received the constitutional majority, was declared passed.

#### MOTION

On motion of Senator Honeyford, Senator McCaslin was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2767, by House Committee on Children and Family Services (originally sponsored by Representatives Orcutt, Tokuda, Darneille, Chase, Mielke and Boldt)

Prohibiting use of public assistance electronic benefit cards for specified purposes.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the following Committee on Human Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 74.08 RCW to read as follows:

(1) Any person receiving public assistance is prohibited from using electronic benefit cards or cash obtained with electronic benefit cards:

(a) For the purpose of participating in any of the activities authorized under chapter 9.46 RCW;

(b) For the purpose of parimutuel wagering authorized under chapter 67.16 RCW; or

(c) To purchase lottery tickets or shares authorized under chapter 67.70 RCW.

(2)(a) The department shall notify, in writing, all recipients of electronic benefit cards that any violation of subsection (1) of this section could result in legal proceedings and forfeiture of all cash public assistance.

(b) Whenever the department receives notice that a person has violated subsection (1) of this section, the department shall notify the person in writing that the violation could result in legal proceedings and forfeiture of all cash public assistance.

(c) The department shall assign a protective payee to the person receiving public assistance who violates subsection (1) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 9.46 RCW to read as follows:

(1) Any licensee authorized under this chapter is prohibited from allowing the use of public assistance electronic benefit cards for the purpose of participating in any of the activities authorized under this chapter.

(2) Any licensee authorized under this chapter shall report to the department of social and health services any known violations of section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 9.46 RCW to read as follows:

The commission shall consider the provisions of section 2 of this act as elements to be negotiated with federally recognized Indian tribes as provided in RCW 9.46.360.

NEW SECTION. Sec. 4. A new section is added to chapter 67.16 RCW to read as follows:

(1) Any licensee authorized under this chapter is prohibited from allowing the use of public assistance electronic benefit cards for the purpose of parimutuel wagering authorized under this chapter.

(2) Any licensee authorized under this chapter shall report to the department of social and health services any known violations of section 1 of this act.

**NEW SECTION. Sec. 5.** A new section is added to chapter 67.70 RCW to read as follows:

(1) Any licensee authorized under this chapter is prohibited from allowing the use of public assistance electronic benefit cards to purchase lottery tickets or shares authorized under this chapter.

(2) Any licensee authorized under this chapter shall report to the department of social and health services any known violations of section 1 of this act."

## MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "cards;" strike the remainder of the title and insert "adding a new section to chapter 74.08 RCW; adding new sections to chapter 9.46 RCW; adding a new section to chapter 67.16 RCW; and adding a new section to chapter 67.70 RCW."

On motion of Senator Costa, the rules were suspended, Substitute House Bill No. 2767, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2767, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2767, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 2767, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2625, by Representatives Linville, Buck, Van Luven and Lysen

Allowing the use of purse seine and other lawful fishing gear in certain waters.

The bill was read the second time.

## MOTION

On motion of Senator Jacobsen, the rules were suspended, House Bill No. 2625 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2625.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2625 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Absent: Senators Deccio and Poulsen - 2.

Excused: Senator McCaslin - 1.

HOUSE BILL NO. 2625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

At 12:15 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Monday, March 4, 2002.

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FORTY-EIGHTH DAY, MARCH 2, 2002

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

**FIFTIETH DAY**

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**MORNING SESSION**  
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Senate Chamber, Olympia, Monday, March 4, 2002

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Finkbeiner, Hargrove, Honeyford, McDonald, Morton and Tim Sheldon. On motion of Senator Eide, Senators Hargrove and Tim Sheldon were excused. On motion of Senator Hewitt, Senators Finkbeiner, Honeyford, McDonald and Morton were excused.

The Sergeant at Arms Color Guard, consisting of Pages Shauna Bernabe and Thomas Bugert, presented the Colors. Mary Lynne Reiner of the Temple Beth Hatfiloh in Olympia offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 1, 2002

SB 6823 Prime Sponsor, Senator Finkbeiner: Regarding the salary formula for state-funded basic education certificated instructional staff. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6823 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Poulsen, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

March 1, 2002

SHB 2536 Prime Sponsor, House Committee on Appropriations: Offering health care benefit plans to school district employees. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

March 1, 2002

SHB 2736 Prime Sponsor, House Committee on Capital Budget: Authorizing the University of Washington and Washington State University to make financing arrangements for research facilities. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Higher Education. Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Fraser, Honeyford, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, B. Sheldon, Snyder, Spanel and Thibaudeau.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 1, 2002

MR. PRESIDENT:

The House has passed:  
SUBSTITUTE HOUSE BILL NO. 2990,  
SUBSTITUTE HOUSE BILL NO. 2995, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 1, 2002

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2969, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

#### INTRODUCTION AND FIRST READING

SB 6825 by Senators Benton, Haugen, Rasmussen and Spanel

AN ACT Relating to the forest fire protection assessment; and amending RCW 76.04.610.  
Referred to Committee on Natural Resources, Parks and Shorelines.

SB 6826 by Senators Benton, Oke, Haugen, Rasmussen and Spanel

AN ACT Relating to special military veteran license plates; amending RCW 46.16.290 and 46.16.313;  
and adding a new section to chapter 46.16 RCW.  
Referred to Committee on Transportation.

#### INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2969 by House Committee on Transportation (originally sponsored by Representative Fisher)

Addressing transportation improvement and financing.

Referred to Committee on Transportation.

SHB 2990 by House Committee on Transportation (originally sponsored by Representatives Schindler, Holmquist, Mielke, Ericksen, Mitchell, Morell, Pflug, Mulliken, Boldt, Woods, Kessler and Talcott)

Continuing transportation efficiencies.

Referred to Committee on Transportation.

SHB 2995 by House Committee on Transportation (originally sponsored by Representative Fisher)

Allowing vehicle dealers to charge documentary service fees.

Referred to Committee on Transportation.

#### MOTION

On motion of Senator Hale, the following resolution was adopted:

#### SENATE RESOLUTION 8762

By Senator Hale

WHEREAS, A new baby is like the beginning of all things—wonder, hope, a dream of possibilities; and  
WHEREAS, Babies remind us every day is an opportunity to explore and learn; and  
WHEREAS, Each child brings new hope for a happier, more peaceful world; and  
WHEREAS, Riley Marie Guarino was born to the daughter and son-in-law of Senator Pat Hale; and  
WHEREAS, Naomi Cheré Zion was born to the daughter and son-in-law of Lieutenant. Governor Brad Owen; and  
WHEREAS, Daniel James Kruschke was born to the daughter and son-in-law of Senator Alex Deccio;  
WHEREAS, Shea Audrey Siderius and Phillip Badley were born to the children of Senator Mary Margaret Haugen;  
and

and WHEREAS, Zachary Warren Henninger was born to the daughter and son-in-law of Senator Harold Hochstatter;  
and WHEREAS, Benjamin James Honeyford was born to the son and daughter-in-law of Senator Jim Honeyford; and  
WHEREAS, Megan Josephine McDonald and Anna Elena McDonald were born to the children of Senator Dan McDonald; and  
WHEREAS, Malia McGivern, Jacob Rasmussen, and Marci Huggler were born to the children of Senator Marilyn Rasmussen; and  
WHEREAS, Emma Claire Qian Rong Russell was adopted by the daughter and son-in-law of Senator Betti Sheldon;  
NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby welcomes the 2002 Session Babies born to the children of members of the Senate; and  
BE IT FURTHER RESOLVED, That the Washington State Senate wishes all the blessings of life for Riley, Naomi, Daniel, Shea, Phillip, Zachary, Benjamin, Megan, Anna, Malia, Jacob, Marci, and Emma; and  
BE IT FURTHER RESOLVED, That Lieutenant Governor Owen and Senators Hale, Deccio, Haugen, Hochstatter, Honeyford, McDonald, Rasmussen, and B. Sheldon each be given an official copy of this resolution to be placed in the baby book of his or her 2002 Session Baby.

Senators Hale, Deccio and Hochstatter spoke to Senate Resolution 8762.

#### MOTION

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

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2381, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Veloria, Van Luven, Kenney, Dunshee, Romero, O'Brien, Darneille, Schual-Berke, Chase, Tokuda, Uptegrove, Edwards, Santos, Kagi and Haigh)

Addressing the trafficking of persons.

The bill was read the second time.

#### MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2381 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.  
Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2381.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2381 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Excused: Senators Finkbeiner, Hargrove, Honeyford, McDonald, Morton and Sheldon, T. - 6.

SUBSTITUTE HOUSE BILL NO. 2381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2468, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Miloscia, O'Brien and Wood) (by request of Governor Locke)

Facilitating the convicted offender DNA data base.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the following Committee on Human Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** 1989 c 350 s 1 (uncodified) is amended to read as follows:

The legislature finds that recent developments in molecular biology and genetics have important applications for forensic science. It has been scientifically established that there is a unique pattern to the chemical structure of the deoxyribonucleic acid (DNA) contained in each cell of the human body. The process for identifying this pattern is called "DNA identification."

The legislature further finds that ~~((the accuracy of identification provided by this method is superior to that of any presently existing technique and recognizes the importance of this scientific breakthrough in providing a reliable and accurate tool for the investigation and prosecution of sex offenses as defined in RCW 9.94A.030(26) and violent offenses as defined in RCW 9.94A.030(29)))~~ DNA data bases are important tools in criminal investigations, in the exclusion of individuals who are the subject of investigations or prosecutions, and in detecting recidivist acts. It is the policy of this state to assist federal, state, and local criminal justice and law enforcement agencies in both the identification and detection of individuals in criminal investigations and the identification and location of missing and unidentified persons. Therefore, it is in the best interest of the state to establish a DNA data base and DNA data bank containing DNA samples submitted by persons convicted of felony offenses and DNA samples necessary for the identification of missing persons and unidentified human remains.

The legislature further finds that the DNA identification system used by the Federal Bureau of Investigation and the Washington state patrol has no ability to predict genetic disease or predisposal to illness. Nonetheless, the legislature intends that biological samples collected under RCW 43.43.754, and DNA identification data obtained from the samples, be used only for purposes related to criminal investigation, identification of human remains or missing persons, or improving the operation of the system authorized under RCW 43.43.752 through 43.43.758.

**Sec. 2.** RCW 43.43.754 and 1999 c 329 s 2 are each amended to read as follows:

(1) Every adult or juvenile individual convicted of a felony, stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, communicating with a minor for immoral purposes under RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense ((defined as a sex offense under RCW 9.94A.030(33)(a) or a violent offense as defined in RCW 9.94A.030 shall have a blood sample drawn)) must have a biological sample collected for purposes of DNA identification analysis~~((s))~~ in the following manner:

(a) For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense who ~~((are serving or who are to serve a term of confinement in a county jail or detention))~~ do not serve a term of confinement in a department of corrections facility, and do serve a term of confinement in a city or county jail facility, the city or county shall be responsible for obtaining ~~((blood))~~ the biological samples either as part of the intake process into the city or county jail or detention facility for those persons convicted on or after ~~((July 25, 1999))~~ the effective date of this act, or within a reasonable time after ~~((July 25, 1999))~~ the effective date of this act, for those persons incarcerated ~~((prior to July 25, 1999))~~ before the effective date of this act, who have not yet had a ~~((blood))~~ biological sample ~~((drawn))~~ collected, beginning with those persons who will be released the soonest.

(b) For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense who do not serve a term of confinement in a department of corrections facility, and do not serve a term of confinement in a city or county jail facility, the local police department or sheriff's office is responsible for obtaining the biological samples after sentencing on or after the effective date of this act.

(c) For persons convicted of such offenses or adjudicated guilty of an equivalent juvenile offense, who are serving or who are to serve a term of confinement in a department of corrections facility or a ~~((division of juvenile rehabilitation))~~ department of social and health services facility, the facility holding the person shall be responsible for obtaining ~~((blood))~~ the biological samples either as part of the intake process into such facility for those persons convicted on or after ~~((July 25, 1999))~~ the effective date of this act, or within a reasonable time after ~~((July 25, 1999))~~ the effective date of this act, for those persons incarcerated ~~((prior to July 25, 1999))~~ before the effective date of this act, who have not yet had a ~~((blood))~~ biological sample ~~((drawn))~~ collected, beginning with those persons who will be released the soonest.

(2) Any ~~((blood))~~ biological sample taken pursuant to RCW 43.43.752 through 43.43.758 may be retained by the forensic laboratory services bureau, and shall be used solely for the purpose of providing DNA or other ((blood grouping)) tests for identification analysis and prosecution of a ((sex offense or a violent offense)) criminal offense or for the identification of human remains or missing persons. Nothing in this section prohibits the submission of results derived from the biological samples to the Federal Bureau of Investigation combined DNA index system.

(3) The director of the forensic laboratory services bureau of the Washington state patrol shall perform testing on all biological samples collected under subsection (1) of this section, to the extent allowed by funding available for this purpose. The director shall give priority to testing on samples collected from those adults or juveniles convicted of a felony or adjudicated guilty of an equivalent juvenile offense that is defined as a sex offense or a violent offense in RCW 9.94A.030.

(4) This section applies to all adults who are convicted of a sex or violent offense after July 1, 1990; and to all adults who were convicted of a sex or violent offense on or prior to July 1, 1990, and who are still incarcerated on or after July 25, 1999. This section applies to all juveniles who are adjudicated guilty of a sex or violent offense after July 1, 1994; and to all juveniles who were adjudicated guilty of a sex or violent offense on or prior to July 1, 1994, and who are still incarcerated on or after July 25, 1999. This section applies to all adults and juveniles who are convicted of a felony other than a sex or violent offense, stalking under RCW 9A.46.110, harassment under RCW 9A.46.020, or communicating with a minor for immoral purposes under RCW 9.68A.090, or adjudicated guilty of an equivalent juvenile offense, on or after the effective date of this act; and to all adults and juveniles who were convicted or adjudicated guilty of such an offense before the effective date of this act and are still incarcerated on or after the effective date of this act.

(5) This section creates no rights in a third person. No cause of action may be brought based upon the noncollection or nonanalysis or the delayed collection or analysis of a biological sample authorized to be taken under RCW 43.43.752 through 43.43.758.

(6) The detention, arrest, or conviction of a person based upon a data base match or data base information is not invalidated if it is determined that the sample was obtained or placed in the data base by mistake, or if the conviction or juvenile adjudication that resulted in the collection of the biological sample was subsequently vacated or otherwise altered in any future proceeding including but not limited to posttrial or postfact-finding motions, appeals, or collateral attacks.

**Sec. 3.** RCW 43.43.759 and 1990 c 230 s 1 are each amended to read as follows:

The Washington state patrol shall consult with the forensic investigations council and adopt rules to implement RCW 43.43.752 through 43.43.758. The rules shall prohibit the use of DNA identification data for any research or other purpose that is not related to a criminal investigation, to the identification of human remains or missing persons, or to improving the operation of the system authorized by RCW 43.43.752 through 43.43.758. The rules must also identify appropriate sources and collection methods for biological samples needed for purposes of DNA identification analysis.

**NEW SECTION. Sec. 4.** A new section is added to chapter 43.43 RCW to read as follows:

Every sentence imposed under chapter 9.94A RCW, for a felony specified in RCW 43.43.754 that is committed on or after the effective date of this act, must include a fee of one hundred dollars for collection of a biological sample as required under RCW 43.43.754, unless the court finds that imposing the fee would result in undue hardship on the offender. The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030, payable by the offender after payment of all other legal financial obligations included in the sentence has been completed. The clerk of the court shall transmit fees collected to the state treasurer for deposit in the state DNA data base account created under section 5 of this act.

**NEW SECTION. Sec. 5.** A new section is added to chapter 43.43 RCW to read as follows:

The state DNA data base account is created in the custody of the state treasurer. All receipts under section 4 of this act must be deposited into the account. Expenditures from the account may be used only for creation, operation, and maintenance of the DNA data base under RCW 43.43.754. Only the chief of the Washington state patrol or the chief's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 6.** RCW 9.94A.505 and 2001 2nd sp.s. c 12 s 312 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, the court shall impose a sentence within the standard sentence range established in RCW 9.94A.510;

(ii) RCW 9.94A.700 and 9.94A.705, relating to community placement;

(iii) RCW 9.94A.710 and 9.94A.715, relating to community custody;

(iv) RCW 9.94A.545, relating to community custody for offenders whose term of confinement is one year or less;

(v) RCW 9.94A.570, relating to persistent offenders;

(vi) RCW 9.94A.540, relating to mandatory minimum terms;

(vii) RCW 9.94A.650, relating to the first-time offender waiver;

(viii) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(ix) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(x) RCW 9.94A.712, relating to certain sex offenses;

(xi) RCW 9.94A.535, relating to exceptional sentences;

(xii) RCW 9.94A.589, relating to consecutive and concurrent sentences.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community service work; until July 1, 2000, a term of community supervision not to exceed one year and on and after July 1, 2000, a term of community custody not to exceed one year, subject to conditions and sanctions as authorized in RCW 9.94A.710 (2) and (3); and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, ~~(and)~~ 9.94A.760, and section 4 of this act.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community supervision, community placement, or community custody which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) The court may order an offender whose sentence includes community placement or community supervision to undergo a mental status evaluation and to participate in available outpatient mental health treatment, if the court finds that reasonable grounds exist to believe that the offender is a mentally ill person as defined in RCW 71.24.025, and that this condition is likely to have influenced the offense. An order requiring mental status evaluation or treatment must be based on a presentence report and, if applicable, mental status evaluations that have been filed with the court to determine the offender's competency or eligibility for a defense of insanity. The court may order additional evaluations at a later date if deemed appropriate.

(10) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

(11) In sentencing an offender convicted of a crime of domestic violence, as defined in RCW 10.99.020, if the offender has a minor child, or if the victim of the offense for which the offender was convicted has a minor child, the court may, as part of any term of community supervision, community placement, or community custody, order the offender to participate in a domestic violence perpetrator program approved under RCW 26.50.150.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 8.** Section 1 of this act is added to chapter 43.43 RCW.

NEW SECTION. **Sec. 9.** This act takes effect July 1, 2002."

## MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 1 of the title, after "base;" strike the remainder of the title and insert "amending RCW 43.43.754, 43.43.759, and 9.94A.505; amending 1989 c 350 s 1 (uncodified); adding new sections to chapter 43.43 RCW; and providing an effective date."

On motion of Senator Costa, the rules were suspended, Substitute House Bill No. 2468, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2468, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2468, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Excused: Senators Finkbeiner, Honeyford, McDonald, Morton and Sheldon, T. - 5.

SUBSTITUTE HOUSE BILL NO. 2468, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

HOUSE BILL NO. 2407 by Representatives Ballasiotes, O'Brien, Lovick, Hurst, Woods, Kagi and Haigh.

Establishing the authority to create and operate regional jails.

The bill was read the second time.

#### MOTION

On motion of Senator Kline, the following Committee on Judiciary striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 70.48 RCW to read as follows:

(1) Regional jails may be created and operated between two or more local governments, or one or more local governments and the state, and may be governed by representatives from multiple jurisdictions.

(2) A jurisdiction that confines persons prior to conviction in a regional jail in another county is responsible for providing private telephone, video-conferencing, or in-person contact between the defendant and his or her public defense counsel.

(3) The creation and operation of any regional jail must comply with the interlocal cooperation act described in chapter 39.34 RCW.

(4) Nothing in this section prevents counties and cities from contracting for jail services as described in RCW 70.48.090."

#### MOTIONS

On motion of Senator Kline, the following title amendment was adopted:

On page 1, line 2 of the title, after "jails;" strike the remainder of the title and insert "and adding a new section to chapter 70.48 RCW."

On motion of Senator Kline, the rules were suspended, House Bill No. 2407, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2407, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2407, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Excused: Senators Finkbeiner, Honeyford, McDonald and Sheldon, T. - 4.

HOUSE BILL NO. 2407, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2768, by Representatives Orcutt, Kagi, Tokuda, Boldt, Jarrett, Benson, Nixon, Lisk, Darneille, Mulliken, Chase, Mielke, Morell, Edwards and Woods

Requiring review of reports to the legislature by DSHS.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the following Committee on Human Services and Corrections striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The department of social and health services shall review all legislatively imposed requirements for the department to submit reports to the legislature and recommend the continuance or elimination of the required reports. The department shall develop criteria to assess the required reports. The criteria shall include, but are not limited to, the cost of preparation and the relevance to departmental needs for management information. The department shall submit a report to the appropriate committees of the legislature on the criteria, the review process, and the recommendations by December 1, 2002.

(2) This section expires December 31, 2002."

#### MOTIONS

On motion of Senator Costa, the following title amendment was adopted:

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

On motion of Senator Costa, the rules were suspended, House Bill No. 2768, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage. Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2768, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2768, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, West, Winsley and Zarelli - 44.

Voting nay: Senators Poulsen, Prentice and Thibaudeau - 3.

Excused: Senators Finkbeiner and McDonald - 2.

HOUSE BILL NO. 2768, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2401, by Representatives Doumit, Eickmeyer, Rockefeller, Sump, Jackley, Pearson, Ericksen, Hatfield, Chase, Edwards, McDermott and Haigh (by request of Department of Natural Resources

Reimbursing employees of the department of natural resources who are victims of assault.

The bill was read the second time.

#### MOTION

On motion of Senator Snyder, the rules were suspended, House Bill No. 2401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2401.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2401 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator McDonald - 1.

HOUSE BILL NO. 2401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senator Brown was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2758, by House Committee on Agriculture and Ecology (originally sponsored by Representatives Quall, Linville and Hunt)

Establishing the agricultural conservation easements program.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Substitute House Bill No. 2758 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2758.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2758 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and McDonald - 2.

SUBSTITUTE HOUSE BILL NO. 2758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2754, by House Committee on Judiciary (originally sponsored by Representatives Lantz, Esser, Dickerson, Jarrett, Lysen and Kagi)

Modifying mandatory arbitration provisions.

The bill was read the second time.

## MOTION

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2754 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2754.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2754 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West, Winsley and Zarelli - 44.

Voting nay: Senators Hochstatter, Honeyford and Stevens - 3.

Excused: Senators Brown and McDonald - 2.

SUBSTITUTE HOUSE BILL NO. 2754, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 2382, by House Committee on Criminal Justice and Corrections (originally sponsored by Representatives Dickerson, O'Brien, Kagi, Darneille and Chase)

Revising provisions relating to criminal mistreatment.

The bill was read the second time.

## MOTION

On motion of Senator Kline, the following Committee on Judiciary striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that responses by the department of social and health services and public safety agencies have varied between jurisdictions when allegations of withholding of the basic necessities of life are made. The legislature intends to improve the capacity of the department of social and health services and public safety agencies to respond to situations where the basic necessities of life are withheld by allowing an earlier intervention in such cases. The legislature finds that improved coordination between the department of social and health services and public safety agencies at an earlier point will lead to better treatment of children and families and will reduce the likelihood of serious harm.

**NEW SECTION. Sec. 2.** A new section is added to chapter 9A.42 RCW to read as follows:

(1) A person is guilty of the crime of criminal mistreatment in the fourth degree if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent person, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

(a) With criminal negligence, creates an imminent and substantial risk of bodily injury to a child or dependent person by withholding any of the basic necessities of life; or

(b) With criminal negligence, causes bodily injury or extreme emotional distress manifested by more than transient physical symptoms to a child or dependent person by withholding the basic necessities of life.

(2) Criminal mistreatment in the fourth degree is a misdemeanor.

**Sec. 3.** RCW 9A.42.040 and 2000 c 76 s 2 are each amended to read as follows:

RCW 9A.42.020, 9A.42.030, ~~((and))~~ 9A.42.035, and section 2 of this act do not apply to decisions to withdraw life support systems made in accordance with chapter 7.70 or 70.122 RCW by the dependent person, his or her legal surrogate, or others with a legal duty to care for the dependent person.

**Sec. 4.** RCW 9A.42.045 and 2000 c 76 s 3 are each amended to read as follows:

RCW 9A.42.020, 9A.42.030, ~~((and))~~ 9A.42.035, and section 2 of this act do not apply when a terminally ill or permanently unconscious person or his or her legal surrogate, as set forth in chapter 7.70 RCW, requests, and the person receives, palliative care from a licensed home health agency, hospice agency, nursing home, or hospital providing care under the medical direction of a physician. As used in this section, the terms "terminally ill" and "permanently unconscious" have the same meaning as "terminal condition" and "permanent unconscious condition" in chapter 70.122 RCW.

**NEW SECTION. Sec. 5.** A new section is added to chapter 9A.42 RCW to read as follows:

(1) When a law enforcement officer arrests a person for criminal mistreatment of a child, the officer must notify child protective services.

(2) When a law enforcement officer arrests a person for criminal mistreatment of a dependent person other than a child, the officer must notify adult protective services.

**Sec. 6.** RCW 10.05.010 and 1998 c 208 s 1 are each amended to read as follows:

(1) In a court of limited jurisdiction a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution program. The petition shall be filed with the court at least seven days before the date set for trial but, upon a written motion and affidavit establishing good cause for the delay and failure to comply with this section, the court may waive this requirement subject to the defendant's reimbursement to the court of the witness fees and expenses due for subpoenaed witnesses who have appeared on the date set for trial.

(2) A person charged with a traffic infraction, misdemeanor, or gross misdemeanor under Title 46 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once. Separate offenses committed more than seven days apart may not be consolidated in a single program.

(3) A person charged with a misdemeanor or a gross misdemeanor under chapter 9A.42 RCW shall not be eligible for a deferred prosecution program unless the court makes specific findings pursuant to RCW 10.05.020. Such person shall not be eligible for a deferred prosecution program more than once.

**Sec. 7.** RCW 10.05.020 and 1996 c 24 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the petitioner shall allege under oath in the petition that the wrongful conduct charged is the result of or caused by alcoholism, drug addiction, or mental problems for which the person is in need of treatment and unless treated the probability of future reoccurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis and treatment of the alleged problem or problems if financially able to do so. The petition shall also contain a case history and written assessment prepared by an approved alcoholism treatment program as designated in chapter 70.96A RCW if the petition alleges alcoholism, an approved drug program as designated in chapter 71.24 RCW if the petition alleges drug addiction, or by an approved mental health center if the petition alleges a mental problem.

(2) In the case of a petitioner charged with a misdemeanor or gross misdemeanor under chapter 9A.42 RCW, the petitioner shall allege under oath in the petition that the petitioner is the natural or adoptive parent of the alleged victim; that the wrongful conduct charged is the result of parenting problems for which the petitioner is in need of services; that the petitioner is in need of child welfare services under chapter 74.13 RCW to improve his or her parenting skills in order to better provide his or her child or children with the basic necessities of life; that the petitioner wants to correct his or her conduct to reduce the likelihood of harm to his or her minor children; that in the absence of child welfare services the petitioner may be unable to reduce the likelihood of harm to his or her minor children; and that the petitioner has cooperated with the department of social and health services to develop a plan to receive appropriate child welfare services; along with a statement that the person agrees to pay the cost of the services if he or she is financially able to do so. The petition shall also contain a case history and a written service plan from the department of social and health services.

(3) Before entry of an order deferring prosecution, a petitioner shall be advised of his or her rights as an accused and execute, as a condition of receiving treatment, a statement that contains: (a) An acknowledgement of his or her rights; (b) an acknowledgement and waiver of the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; (c) a stipulation to the admissibility and sufficiency of the facts contained in the written police report; and (d) an acknowledgement that the statement will be entered and used to support a finding of guilty if the court finds cause to revoke the order granting deferred prosecution. The petitioner shall also be advised that he or she may, if he or she proceeds to trial and is found guilty, be allowed to seek suspension of some or all of the fines and incarceration that may be ordered upon the condition that he or she seek treatment and, further, that he or she may seek treatment from public and private agencies at any time without regard to whether or not he or she is found guilty of the offense charged. He or she shall also be advised that the court will not accept a petition for deferred prosecution from a person who sincerely believes that he or she is innocent of the charges or sincerely believes that he or she does not, in fact, suffer from alcoholism, drug addiction, or mental problems, or in the case of a petitioner charged under chapter 9A.42 RCW, sincerely believes that he or she does not need child welfare services.

~~((3))~~ (4) Before entering an order deferring prosecution, the court shall make specific findings that: (a) The petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report; (b) the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution; (c) the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in his or her defense, and the right to a jury trial; and (d) the petitioner's statements were made knowingly and voluntarily. Such findings shall be included in the order granting deferred prosecution.

**Sec. 8.** RCW 10.05.030 and 1999 c 143 s 42 are each amended to read as follows:

The arraigning judge upon consideration of the petition and with the concurrence of the prosecuting attorney may continue the arraignment and refer such person for a diagnostic investigation and evaluation to an approved alcoholism treatment program as designated in chapter 70.96A RCW, if the petition alleges an alcohol problem, an approved drug treatment center as designated in chapter 71.24 RCW, if the petition alleges a drug problem, ~~((or))~~ to an approved mental health center, if the petition alleges a mental problem, or the department of social and health services if the petition is brought under RCW 10.05.020(2).

**Sec. 9.** RCW 10.05.040 and 1985 c 352 s 7 are each amended to read as follows:

The facility to which such person is referred, or the department of social and health services if the petition is brought under RCW 10.05.020(2), shall conduct an investigation and examination to determine:

(1) Whether the person suffers from the problem described;

(2) Whether the problem is such that if not treated, or if no child welfare services are provided, there is a probability that similar misconduct will occur in the future;

(3) Whether extensive and long term treatment is required;

(4) Whether effective treatment or child welfare services for the person's problem ~~((is))~~ are available; and

(5) Whether the person is amenable to treatment or willing to cooperate with child welfare services.

**Sec. 10.** RCW 10.05.050 and 1985 c 352 s 8 are each amended to read as follows:

(1) The facility, or the department of social and health services if the petition is brought under RCW 10.05.020(2), shall make a written report to the court stating its findings and recommendations after the examination required by RCW 10.05.040. If its findings and recommendations support treatment or the implementation of a child welfare service plan, it shall also recommend a treatment or service plan setting out:

- ((4)) (a) The type;
- ((2)) (b) Nature;
- ((3)) (c) Length;
- ((4)) (d) A treatment or service time schedule; and
- ((5)) (e) Approximate cost of the treatment or child welfare services.

(2) In the case of a child welfare service plan, the plan shall be designed in a manner so that a parent who successfully completes the plan will not be likely to withhold the basic necessities of life from his or her child.

(3) The report with the treatment or service plan shall be filed with the court and a copy given to the petitioner and petitioner's counsel. A copy of the treatment or service plan shall be given to the prosecutor by petitioner's counsel at the request of the prosecutor. The evaluation facility, or the department of social and health services if the petition is brought under RCW 10.05.020(2), making the written report shall append to the report a commitment by the treatment facility or the department of social and health services that it will provide the treatment or child welfare services in accordance with this chapter. The facility or the service provider shall agree to provide the court with a statement every three months for the first year and every six months for the second year regarding (a) the petitioner's cooperation with the treatment or child welfare service plan proposed and (b) the petitioner's progress or failure in treatment or child welfare services. These statements shall be made as a declaration by the person who is personally responsible for providing the treatment or services.

**Sec. 11.** RCW 26.44.130 and 1988 c 190 s 4 are each amended to read as follows:

When a peace officer responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause to believe that a crime has been committed or responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, the peace officer has the authority to arrest the person without a warrant pursuant to RCW 10.31.100.

**NEW SECTION. Sec. 12.** A new section is added to chapter 10.05 RCW to read as follows:

Child welfare services provided under chapter 74.13 RCW pursuant to a deferred prosecution ordered under RCW 10.05.060 may not be construed to prohibit the department from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

**NEW SECTION. Sec. 13.** A new section is added to chapter 74.13 RCW to read as follows:

The department or its contractors may provide child welfare services pursuant to a deferred prosecution plan ordered under chapter 10.05 RCW. Child welfare services provided under this chapter pursuant to a deferred prosecution order may not be construed to prohibit the department from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

**Sec. 14.** RCW 10.05.120 and 1998 c 208 s 3 are each amended to read as follows:

(1) Three years after receiving proof of successful completion of the two-year treatment program, but not before five years following entry of the order of deferred prosecution pursuant to a petition brought under RCW 10.05.020(1), the court shall dismiss the charges pending against the petitioner.

(2) When a deferred prosecution is ordered pursuant to a petition brought under RCW 10.05.020(2) and the court has received proof that the petitioner has successfully completed the child welfare service plan, or the plan has been terminated because the alleged victim has reached his or her majority and there are no other minor children in the home, the court shall dismiss the charges pending against the petitioner: **PROVIDED, That in any case where the petitioner's parental rights have been terminated with regard to the alleged victim due to abuse or neglect that occurred during the pendency of the deferred prosecution, the termination shall be per se evidence that the petitioner did not successfully complete the child welfare service plan.**

**NEW SECTION. Sec. 15.** (1) The department of social and health services, in consultation with the attorney general and organizations representing law enforcement agencies, shall prepare a plan for improved coordination of services to families when a member of the family is charged with criminal mistreatment under chapter 9A.42 RCW. The plan shall include revisions in the department's identification of the needs for services for the families following an arrest and filing of criminal mistreatment charges, delivery of such services, ways of enhancing cooperation with law enforcement agencies during and following the investigation and trial on such charges, improved identification of those incidents which may precede such charges and are indicators of a need for offering of services and possible improvements in the methods of response to such incidents, suggestions for ongoing efforts in reducing the number of criminal mistreatment charges through improved identification of incidents and trends that are markers of potentially serious family stress, and a review of the adequacy of current sentencing for violations of the criminal mistreatment statutes.

(2) The department of social and health services shall regularly consult with the legislature in the preparation of the plan. The plan shall be submitted to the governor and the legislature not later than December 1, 2002.

(3) This section expires December 31, 2002."

## MOTIONS

On motion of Senator Kline, the following title amendment was adopted:

On page 1, line 1 of the title, after "mistreatment;" strike the remainder of the title and insert "amending RCW 9A.42.040, 9A.42.045, 10.05.010, 10.05.020, 10.05.030, 10.05.040, 10.05.050, 26.44.130, and 10.05.120; adding new sections to chapter 9A.42 RCW; adding a new section to chapter 10.05 RCW; adding a new section to chapter 74.13 RCW; creating new sections; prescribing penalties; and providing an expiration date."

On motion of Senator Kline, the rules were suspended, Substitute House Bill No. 2382, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2382, as amended by the Senate.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2382, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke,

Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and McDonald - 2.

SUBSTITUTE HOUSE BILL NO. 2382, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Eide, Senator Tim Sheldon was excused.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2415, by House Committee on Education (originally sponsored by Representatives Quall, Talcott, Haigh, Anderson, Rockefeller, Tokuda, Lantz, Romero, McIntire and Chase) (by request of Governor Locke, Superintendent of Public Instruction Bergeson, State Board of Education and Professional Educator Standards Board)

Changing qualifications for public school principals and vice principals.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Substitute House Bill No. 2415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2415.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2415 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators Brown, McDonald and Sheldon, T. - 3.

SUBSTITUTE HOUSE BILL NO. 2415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 2493, by Representatives Jackley, Mulliken, Dunshee, Ogden, Dunn, Wood and Casada

Removing the limitation on the number of volunteer fire fighters.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the rules were suspended, House Bill No. 2493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2493.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2493 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Brown and McDonald - 2.

HOUSE BILL NO. 2493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Hewitt, Senator Honeyford was excused.

#### SECOND READING

ENGROSSED HOUSE BILL NO. 2491, by Representatives Chandler, Clements, Lisk, Skinner, Schoesler, Holmquist and Mulliken

Authorizing inspection of facilities used for temporary storage and processing of agricultural commodities.

The bill was read the second time.

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 2491 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 2491.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 2491 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators Honeyford and McDonald - 2.

ENGROSSED HOUSE BILL NO. 2491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

At 10:16 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 6:41 p.m. by Senator Snyder.

#### MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the first order of business.

#### REPORTS OF STANDING COMMITTEE

March 4, 2002  
SB 5082 Prime Sponsor, Senator Haugen: Defining rural counties for purposes of sales and use tax for public facilities in rural counties. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Long, Parlette, Rasmussen, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002  
2E2SSB 5514 Prime Sponsor, Committee on Ways and Means: Revising public facility district provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: That Third Substitute Senate Bill No. 5514 be substituted therefor, and the third substitute bill do pass. Signed by Senators Brown, Chair; Regala, Vice Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Rasmussen, Sheahan, B. Sheldon, Snyder, Spanel and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford and Poulsen.

Passed to Committee on Rules for second reading.

March 4, 2002

ESSB 5755 Prime Sponsor, Committee on Transportation: Adjusting responsibilities of the transportation commission.  
Reported by Committee on Transportation

MAJORITY Recommendation: That Second Substitute Senate Bill No. 5755 be substituted therefor, and the second substitute bill do pass. Signed by Senators Haugen, Chair; Benton, Finkbeiner, Horn, Jacobsen, Kastama, Keiser, Prentice and Shin.

MINORITY Recommendation: Do not pass. Signed by Senators Gardner, Vice Chair; T. Sheldon and Swecker.

Passed to Committee on Rules for second reading.

March 4, 2002

SB 6785 Prime Sponsor, Senator Snyder: Eliminating Washington estate taxes on estates with no federal tax liability.  
Reported by Committee on Ways and Means

MAJORITY Recommendation: That Substitute Senate Bill No. 6785 be substituted therefor, and the substitute bill do pass. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Kohl-Welles, Long, Poulsen, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Sheahan.

Passed to Committee on Rules for second reading.

March 4, 2002

ESHB 1005 Prime Sponsor, House Committee on Technology, Telecommunications and Energy: Allowing the granting of easements on state-owned aquatic lands for local public utility lines. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Hewitt, Honeyford, Kohl-Welles, Long, Rasmussen, Rossi, Sheahan, B. Sheldon, Snyder, Spanel and Zarelli.

MINORITY Recommendation: Do not pass. Signed by Senator Kline.

Passed to Committee on Rules for second reading.

March 4, 2002

2SHB 1157 Prime Sponsor, House Committee on Transportation: Adjusting the definition of salvage vehicles. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, McAuliffe, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 4, 2002

SHB 1268 Prime Sponsor, House Committee on State Government: Enacting the personnel system reform act of 2002.  
Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Kline, Kohl-Welles, Poulsen, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Rossi and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002

HB 1460 Prime Sponsor, Representative Lovick: Enforcing seat belt laws as a primary action. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Jacobsen, Kastama, Keiser, Prentice, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senators Benton, Finkbeiner, Horn, McAuliffe and T. Sheldon.

Passed to Committee on Rules for second reading.

March 4, 2002

2SHB 1477 Prime Sponsor, House Committee on Finance: Allowing counties to impose taxes for emergency communication systems. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Fairley, Vice Chair; Senators Regala, Vice Chair; Fraser, Kline, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Honeyford and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002

2SHB 1531 Prime Sponsor, House Committee on Finance: Modifying the taxation of lodging. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kohl-Welles, Parlette, Rasmussen, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002

2SHB 1849 Prime Sponsor, House Committee on Appropriations: Requiring the parks and recreation commission to have a record check performed on certain job applicants. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Natural Resources, Parks and Shorelines. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Parlette, Poulsen, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002

SHB 2031 Prime Sponsor, House Committee on Finance: Limiting the taxation of payphone services. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Long, Parlette, Rasmussen, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002

SHB 2060 Prime Sponsor, House Committee on Finance: Providing funds for housing projects. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Rasmussen, Roach, B. Sheldon, Snyder, Spanel, Thibaudeau, and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002  
ESHB 2323 Prime Sponsor, House Committee on Natural Resources: Establishing the direct retail endorsement for commercial fishers. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Natural Resources, Parks and Shorelines. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Honeyford, Kline, Kohl-Welles, Parlette, Poulsen, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, and Winsley.

Passed to Committee on Rules for second reading.

March 4, 2002  
ESHB 2359 Prime Sponsor, House Committee on Transportation: Authorizing county financing of regional transportation improvements. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Kastama, Keiser, McAuliffe, Prentice, Shin and Swecker.

MINORITY Recommendation: Do not pass. Signed by Senator Benton.

Passed to Committee on Rules for second reading.

March 4, 2002  
HB 2362 Prime Sponsor, Representative Hatfield: Adjusting the motorcycle skills course fee. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Benton, Finkbeiner, Horn, Jacobsen, Kastama, McAuliffe, Prentice, T. Sheldon, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 4, 2002  
ESHB 2376 Prime Sponsor, House Committee on Natural Resources: Concerning abandoned and derelict waterborne vessels. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002  
SHB 2456 Prime Sponsor, House Committee on Financial Institutions: Modifying provisions relating to the linked deposit program. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Labor, Commerce and Financial Institutions. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Kline, Kohl-Welles, Poulsen, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 4, 2002  
SHB 2466 Prime Sponsor, House Committee on Finance: Revising the multiple-unit dwellings property tax exemption. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Kohl-Welles, Parlette, Rasmussen, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 4, 2002

SHB 2492 Prime Sponsor, House Committee on Higher Education: Revising provisions for college payment programs. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Kohl-Welles, Long, Parlette, Rasmussen, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 4, 2002

HB 2496 Prime Sponsor, Representative Dunshee: Modifying fire protection district tax provisions. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on State and Local Government. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

March 4, 2002

2SHB 2534 Prime Sponsor, House Committee on Appropriations: Gaining independence for students by creating the educational assistance grant program for financially needy students with dependents. Reported by Committee on Ways and Means

MAJORITY Recommendation: That the bill be referred without Recommendation. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Hewitt, Kline, Kohl-Welles, Long, Poulsen, Rasmussen, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

March 4, 2002

SHB 2632 Prime Sponsor, House Committee on Appropriations: Pertaining to the higher education retirement plan. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Regala, Vice Chair ; Hewitt, Honeyford, Kline, Kohl-Welles, Long, Poulsen, Rasmussen, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002

ESHB 2658 Prime Sponsor, House Committee on Finance: Changing requirements regarding state and local tax to provide for municipal business and occupation tax uniformity. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002

ESHB 2662 Prime Sponsor, House Committee on Commerce and Labor: Making payroll deductions for individual providers as defined in RCW 74.39A.240(4). Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Kline, Poulsen, Rasmussen, B. Sheldon, Snyder, Spanel and Winsley.

MINORITY Recommendation: Do not pass. Signed by Senators Hewitt, Honeyford, Parlette, Rossi, Sheahan and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002

2SHB 2663 Prime Sponsor, House Committee on Appropriations: Changing conditions that are presumed to be occupational diseases of fire fighters.

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Poulsen, Rasmussen, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002

E2SHB 2671 Prime Sponsor, House Committee on Appropriations: Creating the permit assistance center in the office of the governor. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Environment, Energy and Water. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Poulsen, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002

HB 2732 Prime Sponsor, Representative Gombosky: Excluding government subsidized social welfare compensation from taxation. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002

SHB 2807 Prime Sponsor, House Committee on Appropriations: Creating the Washington promise scholarship. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002

2SHB 2867 Prime Sponsor, House Committee on Agriculture and Ecology: Mitigating the effects of the aquatic pesticide national pollutant discharge elimination system permit required as the result of a recent court decision. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass as amended by Committee on Environment, Energy and Water. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Roach, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Passed to Committee on Rules for second reading.

March 4, 2002

ESHB 2969 Prime Sponsor, House Committee on Transportation: Addressing transportation improvement and financing. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass as amended. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Eide, Finkbeiner, Horn, Jacobsen, Kastama, Keiser, McAuliffe, Prentice, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 4, 2002

SHB 2995 Prime Sponsor, House Committee on Transportation: Allowing vehicle dealers to charge documentary service fees. Reported by Committee on Transportation

MAJORITY Recommendation: Do pass. Signed by Senators Haugen, Chair; Gardner, Vice Chair; Benton, Eide, Finkbeiner, Horn, Jacobsen, Kastama, Keiser, McAuliffe, Prentice, Shin and Swecker.

Passed to Committee on Rules for second reading.

March 4, 2002

HJR 4220 Prime Sponsor, Representative Dunshee: Amending the Constitution to restrict the number of years excess levies by fire protection districts can be made. Reported by Committee on Ways and Means

MAJORITY Recommendation: Do pass. Signed by Senators Brown, Chair; Fairley, Vice Chair; Regala, Vice Chair; Fraser, Hewitt, Honeyford, Kline, Kohl-Welles, Long, Parlette, Poulsen, Rasmussen, Rossi, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Passed to Committee on Rules for second reading.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SB 6827 by Senators Rossi, Deccio, Parlette, Carlson and Long

AN ACT Relating to adopting a sliding premium scale for state employee health care benefits; and amending RCW 41.05.0 65.  
Referred to Committee on Ways and Means.

SB 6828 by Senators Brown and Swecker

AN ACT Relating to the disposition of the state's revenues from the tobacco litigation national master settlement agreement; amending RCW 43.79.480; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 43 RCW; creating new sections; and declaring an emergency.  
Referred to Committee on Ways and Means.

SB 6829 by Senator Brown

AN ACT Relating to the disposition of the state's revenue from the tobacco litigation national master settlement agreement.  
Referred to Committee on Ways and Means.

SB 6830 by Senator Fairley

AN ACT Relating to the capital budget.  
Referred to Committee on Ways and Means.

SB 6831 by Senator Fairley

AN ACT Relating to the capital budget.  
Referred to Committee on Ways and Means.

SB 6832 by Senators Brown, Winsley, Thibaudeau, Deccio and Franklin

AN ACT Relating to interpreter services for public assistance recipients; amending RCW 39.29.040 and 43.19.190; and creating a new section.  
Referred to Committee on Ways and Means.

SB 6833 by Senators Brown, Winsley, Thibaudeau and Franklin

AN ACT Relating to medical care for certain immigrants; amending RCW 74.08A.100 and 74.09.415; and providing an effective date.  
Referred to Committee on Ways and Means.

SB 6834 by Senator Poulsen

AN ACT Relating to use taxation; amending RCW 82.04.060, 82.12.010, 82.12.020, 82.12.035, and 82.14.020; reenacting and amending RCW 82.04.190; providing an effective date; and declaring an emergency. Referred to Committee on Ways and Means.

SB 6835 by Senator Poulsen

AN ACT Relating to use taxation; amending RCW 82.04.060, 82.12.010, 82.12.020, 82.12.035, and 82.14.020; reenacting and amending RCW 82.04.190; providing an effective date; and declaring an emergency. Referred to Committee on Ways and Means.

SB 6836 by Senator Poulsen

AN ACT Relating to the hazardous substance tax; amending RCW 82.21.030 and 82.21.040; providing an effective date; and declaring an emergency. Referred to Committee on Ways and Means.

SB 6837 by Senator Poulsen

AN ACT Relating to raising revenue to fund education-related initiatives. Referred to Committee on Ways and Means.

SB 6838 by Senator Roach

AN ACT Relating to body piercing; amending RCW 26.28.085; and prescribing penalties. Referred to Committee on Judiciary.

SB 6839 by Senator Roach

AN ACT Relating to ethics in educational service; amending RCW 42.52.160 and 42.52.180; and adding new sections to chapter 42.52 RCW. Referred to Committee on Education.

SB 6840 by Senator Roach

AN ACT Relating to regulating body art facilities; amending RCW 43.20.050; adding a new section to chapter 70.05 RCW; and creating a new section. Referred to Committee on Health and Long-Term Care.

SB 6841 by Senators Rossi, Hargrove, Deccio and T. Sheldon

AN ACT Relating to claims against public entities; and amending RCW 4.92.090, 4.92.005, 4.96.010, and 4.22.070. Referred to Committee on Ways and Means.

SJM 8039 by Senators Morton and Stevens

Requesting across-the-board budget cuts.

Referred to Committee on Ways and Means.

SJR 8228 by Senator Poulsen

Relating to a Constitutional amendment to raise revenue to fund education-related initiatives.

Referred to Committee on Ways and Means.

#### MOTION

At 6:43 p.m., on motion of Senator Betti Sheldon, the Senate adjourned until 9:00 a.m., Tuesday, March 5, 2002.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

FIFTIETH DAY, MARCH 4, 2002

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# 2002 Senate Journal

Missing days between 50 and 60

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

**SIXTIETH DAY**  
-----  
**MORNING SESSION**  
-----

Senate Chamber, Olympia, Thursday, March 14, 2002

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present except Senators Brown, Costa, Finkbeiner, Poulsen, Stevens and Winsley. On motion of Senator Honeyford Senators Finkbeiner, Stevens and Winsley were excused. On motion of Senator Eide, Senators Brown and Poulsen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Nora Donnelly and Jody Lent, presented the Colors. Reverend John Stroeh, pastor of the Lutheran Church of the Good Shepherd Church in Olympia, offered the prayer.

**MOTION**

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

**MESSAGES FROM THE HOUSE**

March 13, 2002

**MR. PRESIDENT:**

The House has passed:  
SENATE BILL NO. 5082,  
SUBSTITUTE SENATE BILL NO. 6823,  
SENATE BILL NO. 6832,  
SUBSTITUTE SENATE BILL NO. 6833, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 13, 2002

**MR. PRESIDENT:**

The Speaker has signed.  
SENATE BILL NO. 5064,  
SENATE BILL NO. 5138,  
SUBSTITUTE SENATE BILL NO. 5166,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5207,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5236,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5291,  
SECOND SUBSTITUTE SENATE BILL NO. 5354,  
SUBSTITUTE SENATE BILL NO. 5369,  
SUBSTITUTE SENATE BILL NO. 5552,  
ENGROSSED SENATE BILL NO. 5624,  
ENGROSSED SENATE BILL NO. 5626,  
ENGROSSED SENATE BILL NO. 5692,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5777,  
ENGROSSED SENATE BILL NO. 5954,  
SECOND ENGROSSED SENATE BILL NO. 6001,  
SUBSTITUTE SENATE BILL NO. 6037,  
SECOND SUBSTITUTE SENATE BILL NO. 6080,  
ENGROSSED SENATE BILL NO. 6232,  
SUBSTITUTE SENATE BILL NO. 6233,  
SUBSTITUTE SENATE BILL NO. 6351,  
SUBSTITUTE SENATE BILL NO. 6439, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 13, 2002

**MR. PRESIDENT:**

The Speaker has signed.  
SUBSTITUTE HOUSE BILL NO. 1079,  
SUBSTITUTE HOUSE BILL NO. 1268,  
SUBSTITUTE HOUSE BILL NO. 1759,  
SUBSTITUTE HOUSE BILL NO. 2060,  
SUBSTITUTE HOUSE BILL NO. 2309,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2323,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2325,

HOUSE BILL NO. 2332,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376,  
SUBSTITUTE HOUSE BILL NO. 2379,  
SUBSTITUTE HOUSE BILL NO. 2382,  
HOUSE BILL NO. 2386,  
HOUSE BILL NO. 2421,  
SUBSTITUTE HOUSE BILL NO. 2432,  
SUBSTITUTE HOUSE BILL NO. 2446,  
SUBSTITUTE HOUSE BILL NO. 2456,  
SUBSTITUTE HOUSE BILL NO. 2468,  
HOUSE BILL NO. 2501,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2522,  
SUBSTITUTE HOUSE BILL NO. 2610,  
ENGROSSED HOUSE BILL NO. 2655,  
HOUSE BILL NO. 2672,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2707,  
HOUSE BILL NO. 2732,  
ENGROSSED HOUSE BILL NO. 2773,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2866,  
SUBSTITUTE HOUSE BILL NO. 2874,  
HOUSE BILL NO. 2907,  
ENGROSSED HOUSE BILL NO. 2918, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 13, 2002

MR. PRESIDENT:

The Speaker has signed.  
SUBSTITUTE HOUSE BILL NO. 1166,  
SUBSTITUTE HOUSE BILL NO. 1189,  
SUBSTITUTE HOUSE BILL NO. 1395,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1411,  
SUBSTITUTE HOUSE BILL NO. 1521,  
HOUSE BILL NO. 1856,  
SECOND SUBSTITUTE HOUSE BILL NO. 1938,  
SUBSTITUTE HOUSE BILL NO. 2160,  
SUBSTITUTE HOUSE BILL NO. 2169,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2224,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2305,  
SECOND SUBSTITUTE HOUSE BILL NO. 2346,  
SUBSTITUTE HOUSE BILL NO. 2357,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2453,  
HOUSE BILL NO. 2496,  
ENGROSSED HOUSE BILL NO. 2498,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2505,  
SUBSTITUTE HOUSE BILL NO. 2568,  
SUBSTITUTE HOUSE BILL NO. 2589,  
ENGROSSED HOUSE BILL NO. 2623,  
HOUSE BILL NO. 2641,  
HOUSE BILL NO. 2657,  
SECOND SUBSTITUTE HOUSE BILL NO. 2663,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2688,  
SUBSTITUTE HOUSE BILL NO. 2699,  
SUBSTITUTE HOUSE BILL NO. 2736,  
ENGROSSED HOUSE BILL NO. 2748,  
SUBSTITUTE HOUSE BILL NO. 2767,  
ENGROSSED HOUSE BILL NO. 2841, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 13, 2002

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills and passed the bills as amended by the Senate:

HOUSE BILL NO. 2380,  
SECOND SUBSTITUTE HOUSE BILL NO. 2403,  
HOUSE BILL NO. 2444,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2671,  
SECOND SUBSTITUTE HOUSE BILL NO. 2867,  
HOUSE CONCURRENT RESOLUTION NO. 4427, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
SENATE BILL NO. 5082,  
SUBSTITUTE SENATE BILL NO. 6814,  
SUBSTITUTE SENATE BILL NO. 6823,  
SENATE BILL NO. 6828,  
SENATE BILL NO. 6832,  
SUBSTITUTE SENATE BILL NO. 6833.

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1079,  
SUBSTITUTE HOUSE BILL NO. 1268,  
SUBSTITUTE HOUSE BILL NO. 1759,  
SUBSTITUTE HOUSE BILL NO. 2060,  
SUBSTITUTE HOUSE BILL NO. 2309,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2323,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2325,  
HOUSE BILL NO. 2332,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2376,  
SUBSTITUTE HOUSE BILL NO. 2379,  
SUBSTITUTE HOUSE BILL NO. 2382,  
HOUSE BILL NO. 2386,  
HOUSE BILL NO. 2421,  
SUBSTITUTE HOUSE BILL NO. 2432,  
SUBSTITUTE HOUSE BILL NO. 2446,  
SUBSTITUTE HOUSE BILL NO. 2456,  
SUBSTITUTE HOUSE BILL NO. 2468,  
HOUSE BILL NO. 2501,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2522,  
SUBSTITUTE HOUSE BILL NO. 2610,  
ENGROSSED HOUSE BILL NO. 2655,  
HOUSE BILL NO. 2672,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2707,  
HOUSE BILL NO. 2732,  
ENGROSSED HOUSE BILL NO. 2773,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2866,  
SUBSTITUTE HOUSE BILL NO. 2874,  
HOUSE BILL NO. 2907,  
ENGROSSED HOUSE BILL NO. 2918.

. SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE HOUSE BILL NO. 1166,  
SUBSTITUTE HOUSE BILL NO. 1189,  
SUBSTITUTE HOUSE BILL NO. 1395,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1411,  
SUBSTITUTE HOUSE BILL NO. 1521,  
HOUSE BILL NO. 1856,  
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HOUSE BILL NO. 2641,  
HOUSE BILL NO. 2657,  
SECOND SUBSTITUTE HOUSE BILL NO. 2663,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2688,  
SUBSTITUTE HOUSE BILL NO. 2699,  
SUBSTITUTE HOUSE BILL NO. 2736,  
ENGROSSED HOUSE BILL NO. 2748,  
SUBSTITUTE HOUSE BILL NO. 2767,  
ENGROSSED HOUSE BILL NO. 2841.

MESSAGE FROM THE HOUSE

March 13, 2002

MR. PRESIDENT:

The House has passed ENGROSSED HOUSE Bill No. 2451, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MESSAGE FROM THE HOUSE

March 13, 2002

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2573, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 2451 By House Committee on Transportation (originally sponsored by Representatives Fisher, Chase and Ogden (by request of Governor Locke)

Making supplemental transportation appropriations.

EHB 2573 By Representatives Schual-Berke, Wood, Doumit, Hunt, Murray, Haigh, Kagi, Berkey, Sullivan, Fisher, Lovick, Jackley, Cooper, Simpson and McDermott

Funding traffic safety education.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Engrossed Substitute House Bill No. 2451 and House Bill No. 2573 were advanced to second reading and placed on the second reading calendar.

MOTION

On motion of Senator Eide, Senate Rule 20 was suspended for the remainder of the day.

EDITOR'S NOTE: Rule 20 states: 'The senate shall consider no more than one floor resolution per day in session: Provided, that this rule shall not apply to floor resolutions essential to the operation of the senate; and further Provided, that there shall be no limit on the number of floor resolutions considered on Senate pro forma session days. Senate floor resolutions shall be acted upon in the same manner as motions. All senate floor resolutions shall be on the secretary's desk at least twenty-four hours prior to consideration.'

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9213, Ronald D. Ozmont, as a member of the Fish and Wildlife Commission, was confirmed.

APPOINTMENT OF RONALD D. OZMENT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 1; Excused, 5.

Voting yea: Senators Benton, Carlson, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Zarelli - 43.

Absent: Senator Costa - 1.

Excused: Senators Brown, Finkbeiner, Poulsen, Stevens and Winsley - 5.

MOTION

On motion of Senator Eide, Senator Costa was excused.

MOTION

On motion of Senator Regala, Gubernatorial Appointment No. 9169, Janis Gall-Martin, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF JANIS GALL-MARTIN

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Zarelli - 45.

Excused: Senators Costa, Poulsen, Stevens and Winsley - 4.

MOTION

On motion of Senator Fraser, Gubernatorial Appointment No. 9214, Amy C. Solomon, as a member of the Executive Board, Washington Public Power Supply System Executive Board of Directors, was confirmed.

APPOINTMENT OF AMY C. SOLOMON

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hochstatter, Honeyford, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Zarelli - 44.

Absent: Senators Hewitt and Johnson - 2.

Excused: Senators Costa, Stevens and Winsley - 3.

MOTION

On motion of Senator Eide, Senator Kastama was excused.

MOTION

On motion of Senator Gardner, Gubernatorial Appointment No. 9223, Ron Serpas, as Chief of the Washington State Patrol, was confirmed.

Senators Gardner, Haugen, Oke and Kline spoke to the confirmation of Ron Serpas as Chief of the Washington State Patrol.

APPOINTMENT OF RON SERPAS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 2; Excused, 4.

Voting yea: Senators Benton, Carlson, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Zarelli - 43.

Absent: Senators Brown and Poulsen - 2.

Excused: Senators Costa, Kastama, Stevens and Winsley - 4.

MOTIONS

On motion of Senator Kastama, Senators Brown and Eide were excused.

On motion of Senator Hewitt, Senator Deccio was excused.

MOTION

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

MESSAGE FROM THE HOUSE

March 13, 2002

MR. PRESIDENT:

The House has passed THIRD SUBSTITUTE SENATE BILL NO. 5514 with the following amendment(s):

On page 7, after line 18, insert the following:

"Sec. 5. RCW 35.21.280 and 1999 c 165 s 19 are each amended to read as follows:

(1) Every city and town may levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place: PROVIDED, No city or town shall impose such tax on persons paying an admission to any activity of any elementary or secondary school or any public facility of a public facility district under chapter 35.57 or 36.100 RCW for which a tax is imposed under RCW 35.57.100 or 36.100.210(~~(--This)~~), except the city or town may impose a tax on persons paying an admission to any activity of such public facility if the city or town uses the admission tax revenue it collects on the admission charges to that public facility for the construction, operation, maintenance, repair, replacement, or enhancement of that public facility or to develop, support, operate, or enhance programs in that public facility.

(2) Tax authorization under this section includes a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same privileges or accommodations. A city that is located in a county with a population of one million or more may not levy a tax on events in stadia constructed on or after January 1, 1995, that are owned by a public facilities district under chapter 36.100 RCW and that have seating capacities over forty thousand. The city or town may require anyone who receives payment for an admission charge to collect and remit the tax to the city or town.

(3) The term "admission charge" includes:

~~((+))~~ (a) A charge made for season tickets or subscriptions;

~~((2))~~ (b) A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;

~~((3))~~ (c) A charge made for food and refreshment in any place where free entertainment, recreation or amusement is provided;

~~((4))~~ (d) A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;

~~((5))~~ (e) Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

#### MOTION

On motion of Senator Spanel, the Senate concurred in the House amendment to Third Substitute Senate Bill No. 5514.

The President declared the question before the Senate to be the roll call on the final passage of Third Substitute Senate Bill No. 5514, as amended by the House

#### ROLL CALL

The Secretary called the roll on the final passage of Third Substitute Senate Bill No. 5514, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 10; Absent, 0; Excused, 5.

Voting yea: Senators Carlson, Costa, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, Oke, Parlette, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Swecker, Thibaudeau and West - 34.

Voting nay: Senators Benton, Hochstatter, Honeyford, Johnson, McDonald, Morton, Poulsen, Roach, Rossi and Zarelli - 10.

Excused: Senators Brown, Deccio, Eide, Stevens and Winsley - 5.

THIRD SUBSTITUTE SENATE BILL NO. 5514, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 13, 2002

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6591 with the following amendment(s):

On page 4, after line 26, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 82.26 RCW to read as follows:

(1) The department shall by rule establish the invoice detail required under RCW 82.26.060 for a distributor under RCW 82.26.010(3)(d) and for those invoices required to be provided to retailers under RCW 82.26.070.

(2) If a retailer fails to keep invoices as required under chapter 82.32 RCW, the retailer is liable for the tax owed on any uninvoiced tobacco products but not penalties and interest, except as provided in subsection (3) of this section.

(3) If the department finds that the nonpayment of tax by the retailer was willful or if in the case of a second or plural nonpayment of tax by the retailer, penalties and interest shall be assessed in accordance with chapter 82.32 RCW."

Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

#### MOTION

On motion of Senator Prentice, the Senate concurred in the House amendments to Senate Bill No. 6591.  
The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No. 6591, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6591, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Senators Carlson, Costa, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West and Zarelli - 44.

Voting nay: Senator Benton - 1.

Excused: Senators Brown, Deccio, Eide and Winsley - 4.

SENATE BILL NO. 6591, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Gardner, Gubernatorial Appointment No. 9162, Lois Clement, as a member of the Public Disclosure Commission, was confirmed.

#### APPOINTMENT OF LOIS CLEMENT

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 41; Nays, 0; Absent, 4; Excused, 4.

Voting yea: Senators Benton, Carlson, Costa, Fairley, Finkbeiner, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 41.

Absent: Senators Franklin, Haugen, Rossi and West - 4.

Excused: Senators Brown, Deccio, Eide and Winsley - 4.

#### MOTION

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

#### MOTION

On motion of Senator McAuliffe, the following resolution was adopted:

#### SENATE RESOLUTION 8777

By Senators McAuliffe, Roach, Johnson, Long, Honeyford, Hewitt, Fraser, Rasmussen and Spanel

WHEREAS, Providing all Washington State children a public education is the paramount duty of the state; and

WHEREAS, It is impossible to provide our children a quality public education if they cannot get to school, if they are hungry during the school day, or if the schools they arrive at are neglected, cold and unsafe; and

WHEREAS, Classified employees are the bus drivers who safely transport, in sometimes dangerous road conditions, more than 463,105 students each day in 8,874 busses over 465,000 miles; the child nutrition employees who provide lunches for more than 459,000 students each day; the custodian, maintenance, and security employees who ensure that the 2,071 school buildings where our children receive their education are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents, staff, and most importantly, all children receive the necessary support and services while at the same time provide love and attention to each student's special needs, even if all that is needed is a Band-Aid, a friendly ear or reminder; and

WHEREAS, Classified employees are the instructional assistants who are increasingly depended upon to provide individual attention to students in the classroom to ensure they meet the higher academic standards, as well as provide such specialized services as nursing and interpreting for deaf and disabled children and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ more than 50,000 classified employees to provide these essential support services to the nearly one million students receiving public education; and

WHEREAS, Washington State students have had their education significantly enhanced by the services of classified school employees; and

WHEREAS, Washington State citizens seldom reflect on the critical role classified employees play in providing our children a quality education.

NOW, THEREFORE BE IT RESOLVED, That the Washington State Senate honors classified school employees during Classified School Employee Week, March 11 through 15, 2002, and urges all citizens to join in honoring and recognizing the dedication and hard work of all classified school employees; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Public School Employees of Washington.

Senators McAuliffe, Johnson, Rasmussen and Shin spoke to Senate Resolution 8777.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the Classified Employees, who were seated in the gallery.

President Pro Tempore Franklin assumed the Chair.

#### MOTION

On motion of Senator McCaslin, the following resolution was adopted:

#### SENATE RESOLUTION 8791

By Senators McCaslin and Sheahan

WHEREAS, The Washington State Senate supports excellence in all fields of human endeavor; and

WHEREAS, The members of the Central Valley High School girls' basketball team have exhibited outstanding athletic skill and teamwork by winning the Class 4A state championship for the second year in a row, completing a record thirty-three straight wins; and

WHEREAS, the Lady Bears, undefeated in the regular season with a record of 29-0, routed their final opponent at the state championships in an intense 61-43 victory; and

WHEREAS, Lady Bear Emily Westerberg garnered an amazing eighteen points, and fifteen rebounds and was selected for the All-State first team, and Lady Bear Katie Rodgers, named to the All-State second team, scored an outstanding ten points in the championship game; and

WHEREAS, Lady Bears Alexis Kirk, Felice Moore, Jayme Heinen, Lindsay Whitley, Caitlin Courchaine, Joy Rowe, Brittany Baynes, Kimberley Rasmussen, Nikki Larson and Bryeanne Putney all played critical roles in helping the team secure it's second straight state title; and

WHEREAS, The Central Valley girls' basketball team benefitted from the leadership and support of Activities Director Matt Elisara, Coach Dale Poffenroth, and Assistant Coaches Judy Walters, Freddie Rehkow and Patricia Jarvas in their bid for athletic excellence; and

WHEREAS, these young women demonstrate that the value of trust, teamwork and discipline cannot be overstated and is critical to all we strive to accomplish in life;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and congratulate the 2001-2002 Central Valley High School girls' basketball team for its tremendous hard work, dedication to excellence, and commitment to each other in achieving recognition as state champions; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the principal of Central Valley High School, the coaching staff of the 2001-2002 girls Class 4A basketball team, and to Central Valley State 4A basketball champions Alixus Kirk, Felice Moore, Jayme Heinen, Lindsay Whitley, Kaitlin Courchaine, Joy Row, Brittany Baynes, Nikki Larson, Emily Westerberg, Kimberley Rasmussen, Katie Rodgers and Bryeanne Putney.

Senators McCaslin and Sheahan spoke to Senate Resolution 8791.

President Owen assumed the Chair.

#### MOTION

On motion of Senator Eide, the following resolution was adopted:

#### SENATE RESOLUTION 8761

By Senators Eide, Keiser, Benton, Brown, Carlson, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Kline, Kohl-Welles, Long,

McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli

WHEREAS, U.S. Olympic Speed Skater Apolo Anton Ohno won the Gold Medal in the Men's 1,500 meter Short Track Speed Skating and the Silver Medal in the 500 Meter Short Track Speed Skating during the 2002 Winter Olympics; and

WHEREAS, Apolo Ohno's path winds through Federal Way where he grew up in the Colonial Forest neighborhood. At the age of six, he started skating at Pattison's West Skating Center and was soon racing as an in-line skater. By the time he was in his early teens, he crossed over to speed skating and was winning at the national level; and

WHEREAS, He attended Nautilus Elementary School as a student in the Gifted and Talented Education program. Ohno attended Saghali Junior High for the seventh grade and was in the honors program. He also attended the Federal Way Internet Academy; and

WHEREAS, Neighbors described Ohno as a private, courteous and polite young man. Others said he always had a flair, a little on the edge or that he was real competitive and real driven; and

WHEREAS, Apolo Ohno left Federal Way at age fourteen to attend the Olympic Training Center in Lake Placid, New York; and

WHEREAS, Sports Illustrated featured Ohno on the cover of the February 4, 2002, magazine calling him faster on ice than a penguin with a rocket strapped to its back but he takes the corners better;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Washington State Senate honor and celebrate the Olympic achievements of Apolo Anton Ohno whose dedication, professionalism, and athletic excellence have made Washington and America proud.

Senators Eide, Oke, Keiser, Shin and Jacobsen spoke to Senate Resolution 8761

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Apolo Ohno and his father, Yuki Ohno, who were seated on the rostrum.

With permission of the Senate, business was suspended to permit Apolo Ohno and Yuki Ohno to address the Senate.

There being no objection, the President reverted the Senate to the sixth order of business.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Jacobsen, Gubernatorial Appointment No. 9192, Russ Cahill, as a member of the Fish and Wildlife Commission, was confirmed.

Senators Jacobsen and Oke spoke to the confirmation of Russ Cahill as a member of the Fish and Wildlife Commission.

#### APPOINTMENT OF RUSS CAHILL

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 1; Absent, 3; Excused, 2.

Voting yea: Senators Brown, Carlson, Costa, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Voting nay: Senator Honeyford - 1.

Absent: Senators Benton, Fairley and Poulsen - 3.

Excused: Senators Deccio and Eide - 2.

#### MOTION

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

#### MESSAGE FROM THE HOUSE

March 13, 2002

MR. PRESIDENT:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6387 with the following amendment(s):  
Strike everything after the enacting clause and insert the following:

#### "PART I GENERAL GOVERNMENT

Sec. 101. 2001 2nd sp.s. c 7 s 101 (uncodified) is amended to read as follows:

**FOR THE HOUSE OF REPRESENTATIVES**

General Fund--State Appropriation (FY 2002) \$ 28,313,000  
General Fund--State Appropriation (FY 2003) \$ ((28,497,000))

27,072,000

Department of Retirement Systems Expense Account--  
State Appropriation \$ 45,000  
TOTAL APPROPRIATION \$ ((56,855,000))

55,430,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) \$25,000 of the general fund--state appropriation is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.  
(2) \$15,000 of the general fund--state appropriation for fiscal year 2002 is provided for the legislature to continue the services of expert counsel on legal and policy issues relating to services for persons with developmental disabilities.

Sec. 102. 2001 2nd sp.s. c 7 s 102 (uncodified) is amended to read as follows:

**FOR THE SENATE**

General Fund--State Appropriation (FY 2002) \$ 22,863,000  
General Fund--State Appropriation (FY 2003) \$ ((23,999,000))

22,799,000

Department of Retirement Systems Expense Account--  
State Appropriation \$ 45,000  
TOTAL APPROPRIATION \$ ((46,907,000))

45,707,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) \$25,000 of the general fund--state appropriation is provided solely for allocation to Project Citizen, a program of the national conference of state legislatures to promote student civic involvement.  
(2) \$15,000 of the general fund--state appropriation for fiscal year 2002 is provided for the legislature to continue the services of expert counsel on legal and policy issues relating to services for persons with developmental disabilities.

Sec. 103. 2001 2nd sp.s. c 7 s 103 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE**

General Fund--State Appropriation (FY 2002) \$ ((2,436,000))

2,131,000

General Fund--State Appropriation (FY 2003) \$ ((4,938,000))

2,150,000

TOTAL APPROPRIATION \$ ((4,374,000))

4,281,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) ~~(\$150,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the joint legislative audit and review committee to conduct an evaluation of the client outcomes of the high school transition program operated by the department of social and health services division of developmental disabilities. The study shall identify the different approaches that have been used in providing transition services and whether some approaches are more or less successful in helping young adults with developmental disabilities achieve greater levels of independence. The study shall evaluate how transition programs reduce the level of support provided to clients as they achieve greater levels of independence, and shall be submitted to the appropriate committees of the legislature by December 1, 2002.)~~ \$130,000 of the general fund--state appropriation for fiscal year 2002 and \$470,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for conducting a performance audit of the department of social and health services division of developmental disabilities. The audit shall determine whether the division has complied with significant laws and regulations applicable to the program and evaluate the adequacy of management processes for measuring, reporting, and monitoring program effectiveness, economy, and efficiency.

(a) Special emphasis shall be placed on how the division:

- (i) Determines and monitors eligibility;
- (ii) Determines what types and levels of services are to be provided;
- (iii) Determines that clients are receiving services;
- (iv) Tracks client progress and evaluates the benefits of services being provided;
- (v) Enforces the terms of its contracts with providers; and
- (vi) Determines it is doing an efficient and effective job of meeting its legislative mandates.

(b) The audit shall also include a comparison among the division of developmental disabilities and other program areas in the department of social and health services that deliver similar client services. This comparison shall cover eligibility assessment, functional needs assessment, service requirements assessment, and the linkage between assessed client needs and the agency services authorized and delivered.

(c) The committee shall make recommendations, as appropriate, for the improvement of services and system performance. The committee may contract for consulting services in conducting the study. Interim findings shall be submitted to the fiscal committees of the legislature by December 1, 2002. The final report shall be submitted to the legislature no later than June 30, 2003.

(2) \$50,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the joint legislative audit and review committee to conduct a capacity planning study of the capital facilities of the state school for the deaf. The committee's study shall be carried out in conjunction with the study of educational service delivery models conducted by the state institute for public policy. The study shall be submitted to the fiscal committees of the legislature by September 30, 2002.

(3) ~~(\$35,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for)~~ The joint legislative audit and review committee ((to)) shall conduct a review of water conservancy boards. The review shall include an assessment of the operating costs of existing boards; the sources of funding for board operations; sources of in-kind support for board operations; assessment of the value of water rights subject to change or transfer decisions; the range of costs of processing water right transfer applications by the boards as well as by the department of ecology for applications filed directly with the department; the costs to the department of training, assistance, and review of board recommendations on applications; board membership and board recordkeeping; and public participation procedures for both the water conservancy boards and the department of ecology. The committee shall submit its review by ((January 1, 2003)) December 1, 2004, to the appropriate policy and fiscal committees of the legislature.

(4) \$40,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for a follow-up review to report number 98-3, the performance audit of the department of corrections. The follow-up study shall include but not be limited to a review of:

- (a) Community supervision activities performed by the department;
- (b) The implementation of risk-based classification and community placement models;

- (c) The early implementation of the offender accountability act; and
- (d) The cost impacts of the risk-based models and the offender accountability act.

The committee shall consult with the Washington state institute for public policy regarding data and findings from the institute's current studies on these issues. A report of the follow-up study shall be submitted to the relevant policy and fiscal committees of the legislature by December 21, 2001. Upon the completion of the follow-up review, the committee shall make a determination whether an additional phase of study is needed. If further study is indicated, the committee shall submit to the relevant policy and fiscal committees of the legislature its plan and cost estimate for such study by March 29, 2002.

(5) \$140,000 of the general fund--state appropriation for fiscal year 2002 is provided for a study of children's mental health in Washington. The study shall include but not be limited to:

- (a) A review of plans and services for children, including those for early periodic screening, diagnosis, and treatment;
- (b) A review of the implementation of the plans;
- (c) A review of the availability and reliability of fiscal, program, and outcome data relating to mental health services provided to children; and
- (d) A survey of mental health services for children among the state's regional support networks.

The committee shall make recommendations, as appropriate, for the improvement of services and system performance, including the need for performance and client outcome measures. The committee may contract for consulting services in conducting the study. The committee shall submit a report to the appropriate policy and fiscal committees of the legislature by July 1, 2002.

(6) Within the amounts provided in this section, the joint legislative audit and review committee shall conduct a study of the Washington management service. The study shall include findings regarding (a) growth in the number of positions in the Washington management service, (b) growth in salary levels and structure since the Washington management service's inception, and (c) other compensation practices used within the Washington management service. The department of personnel shall cooperate with the committee in conducting the study and provide information as requested by the committee. The committee shall provide a report to the fiscal committees of the legislature by December 31, 2001.

(7) Within the amounts provided in this section, the joint legislative audit and review committee shall review all aspects of the mental health prevalence study completed in accordance with section 204 of this act, including but not limited to the contractor selection process, if any; the study design and workplan; the implementation of the study; and the draft and final reports.

(8) The committee shall study and report on pipeline safety as provided in section 149 of this act.

**Sec. 104.** 2001 2nd sp.s. c 7 s 104 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE**

General Fund--State Appropriation (FY 2002) \$ 1,329,000  
 General Fund--State Appropriation (FY 2003) \$ ~~((1,462,000))~~

1,418,000

Public Works Assistance Account--State

Appropriation \$ 203,000

TOTAL APPROPRIATION \$ ~~((2,994,000))~~

2,950,000

**Sec. 105.** 2001 2nd sp.s. c 7 s 105 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE STATE ACTUARY**

Department of Retirement Systems Expense Account--

State Appropriation \$ ~~((1,923,000))~~

2,054,000

The appropriation in this section is subject to the following conditions and limitations: The joint committee on pension policy, in collaboration with various interested parties, shall study issues of pension governance and recommend legislation for consideration in the 2002 legislative session.

**Sec. 106.** 2001 2nd sp.s. c 7 s 106 (uncodified) is amended to read as follows:

**FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE**

General Fund--State Appropriation (FY 2002) \$ 6,421,000  
 General Fund--State Appropriation (FY 2003) \$ ~~((7,043,000))~~

6,832,000

TOTAL APPROPRIATION \$ ~~((13,464,000))~~

13,253,000

**Sec. 107.** 2001 2nd sp.s. c 7 s 107 (uncodified) is amended to read as follows:

**FOR THE STATUTE LAW COMMITTEE**

General Fund--State Appropriation (FY 2002) \$ 3,909,000  
 General Fund--State Appropriation (FY 2003) \$ ~~((4,038,000))~~

3,917,000

TOTAL APPROPRIATION \$ ~~((7,947,000))~~

7,826,000

The appropriations in this section are subject to the following conditions and limitations: \$41,000 of the general fund fiscal year 2002 appropriation and \$43,000 of the general fund fiscal year 2003 appropriation are provided solely for the uniform legislation commission.

**Sec. 108.** 2001 2nd sp.s. c 7 s 109 (uncodified) is amended to read as follows:

**FOR THE SUPREME COURT**

General Fund--State Appropriation (FY 2002) \$ ~~((5,423,000))~~

5,500,000

General Fund--State Appropriation (FY 2003) \$ ~~((5,510,000))~~

5,487,000

TOTAL APPROPRIATION \$ ~~((10,933,000))~~

10,987,000

**Sec. 109.** 2001 2nd sp.s. c 7 s 110 (uncodified) is amended to read as follows:

**FOR THE LAW LIBRARY**

General Fund--State Appropriation (FY 2002) \$ 1,982,000  
 General Fund--State Appropriation (FY 2003) \$ ~~((1,983,000))~~

1,924,000

TOTAL APPROPRIATION \$ ~~((3,965,000))~~

3,906,000

**Sec. 110.** 2001 2nd sp.s. c 7 s 111 (uncodified) is amended to read as follows:

**FOR THE COURT OF APPEALS**

General Fund--State Appropriation (FY 2002) \$ ~~((12,746,000))~~

General Fund--State Appropriation (FY 2003) \$ <del>((12,878,000))</del>	<u>12,894,000</u>
	<u>12,724,000</u>
TOTAL APPROPRIATION \$ <del>((25,624,000))</del>	<u>25,618,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$505,000 of the general fund--state appropriation for fiscal year 2002 and \$606,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for lease increases associated with the division I facility. ~~((Within the funds provided in this subsection, the court of appeals shall conduct a space planning study exploring options dealing with remodeling existing space to accommodate needs and evaluating the cost and benefits of moving to another location.))~~

(2) \$168,000 of the general fund--state appropriation for fiscal year 2002 and \$159,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for providing compensation adjustments to nonjudicial staff of the court of appeals. Within the funds provided in this subsection, the court of appeals shall determine the specific positions to receive compensation adjustments based on recruitment and retention difficulties, new duties or responsibilities assigned, and salary inversion or compression within the court of appeals.

**Sec. 111.** 2001 2nd sp.s. c 7 s 112 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON JUDICIAL CONDUCT**

General Fund--State Appropriation (FY 2002) \$ 955,000  
 General Fund--State Appropriation (FY 2003) \$ ~~((969,000))~~

TOTAL APPROPRIATION \$ ~~((1,924,000))~~

940,000

1,895,000

**Sec. 112.** 2001 2nd sp.s. c 7 s 113 (uncodified) is amended to read as follows:

**FOR THE ADMINISTRATOR FOR THE COURTS**

General Fund--State Appropriation (FY 2002) \$ ~~((14,247,000))~~

General Fund--State Appropriation (FY 2003) \$ ~~((14,386,000))~~

14,900,000

15,388,000

Public Safety and Education Account--State  
 Appropriation \$ ~~((29,634,000))~~

27,468,000

Judicial Information Systems Account--State  
 Appropriation \$ 27,758,000

TOTAL APPROPRIATION \$ ~~((86,025,000))~~

85,514,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding provided in the judicial information systems account appropriation shall be used for the operations and maintenance of technology systems that improve services provided by the supreme court, the court of appeals, the office of public defense, and the administrator for the courts.

(2) No moneys appropriated in this section may be expended by the administrator for the courts for payments in excess of fifty percent of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits. As required by Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve. The administrator for the courts shall continue to implement procedures for the collection and disbursement of these employer contributions. During each fiscal year in the 2001-03 biennium, the office of the administrator for the courts shall send written notice to the office of community development in the department of community, trade, and economic development when each county pays its fifty percent share for the year.

(3) \$223,000 of the public safety and education account appropriation is provided solely for the gender and justice commission.

(4) \$308,000 of the public safety and education account appropriation is provided solely for the minority and justice commission.

(5) \$278,000 of the general fund--state appropriation for fiscal year 2002, \$285,000 of the general fund--state appropriation for fiscal year 2003, and \$263,000 of the public safety and education account appropriation are provided solely for the workload associated with tax warrants and other state cases filed in Thurston county.

(6) \$750,000 of the general fund--state appropriation for fiscal year 2002 and \$750,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs.

(7) \$750,000 of the public safety and education account--state appropriation is provided solely for judicial program enhancements. Within the funding provided in this subsection, the administrator for the courts, in consultation with the supreme court, shall determine the program or programs to receive an enhancement. Among the programs that may be funded from the amount provided in this subsection are unified family courts.

~~(8) (\$1,618,000 of the public safety and education account--state appropriation is provided solely for increases for juror pay--The office of the administrator for the courts may contract with local governments to provide additional juror pay. The contract shall provide that the local government is responsible for the first ten dollars of juror compensation for each day or partial day of jury service, and the state shall reimburse the local government for any additional compensation, excluding the first day, up to a maximum of fifteen dollars per day.) \$1,800,000 of the judicial information systems account--state appropriation is provided solely for improvements and enhancements to the judicial information systems. This funding shall only be expended after the office of the administrator for the courts certifies to the office of financial management that there will be at least a \$1,000,000 ending fund balance in the judicial information systems account at the end of the 2001-03 biennium.~~

**Sec. 113.** 2001 2nd sp.s. c 7 s 114 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF PUBLIC DEFENSE**

General Fund--State Appropriation (FY 2002) \$ 600,000

General Fund--State Appropriation (FY 2003) \$ 500,000

Public Safety and Education Account--State  
 Appropriation \$ ~~((12,626,000))~~

12,344,000

TOTAL APPROPRIATION \$ ~~((13,226,000))~~

13,444,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$233,000)~~ \$204,000 of the public safety and education account appropriation is provided solely to increase the reimbursement for private attorneys providing constitutionally mandated indigent defense in nondeath penalty cases.

(2) \$51,000 of the public safety and education account appropriation is provided solely for the implementation of chapter 303, Laws of 1999 (court funding).

(3) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(4) The ~~(entire)~~ general fund--state appropriations ~~(is)~~ are provided solely for the continuation of a dependency and termination legal representation funding pilot program.

(a) The goal of the pilot program shall be to enhance the quality of legal representation in dependency and termination hearings, thereby reducing the number of continuances requested by contract attorneys, including those based on the unavailability of defense counsel. To meet the goal, the pilot shall include the following components:

(i) A maximum caseload requirement of 90 dependency and termination cases per full-time attorney;

(ii) Implementation of enhanced defense attorney practice standards, including but not limited to those related to reasonable case preparation and the delivery of adequate client advice, as developed by Washington state public defense attorneys and included in the office of public defense December 1999 report *Costs of Defense and Children's Representation in Dependency and Termination Hearings*;

(iii) Use of investigative and expert services in appropriate cases; and

(iv) Effective implementation of indigency screening of all dependency and termination parents, guardians, and legal custodians represented by appointed counsel.

(b) The pilot program shall be established in one eastern and one western Washington juvenile court.

(c) The director shall contract for an independent evaluation of the pilot program benefits and costs. A final evaluation shall be submitted to the governor and the fiscal committees of the legislature no later than February 1, 2002.

(d) The chair of the office of public defense advisory committee shall appoint an implementation committee to:

(i) Develop criteria for a statewide program to improve dependency and termination defense;

(ii) Examine caseload impacts to the courts resulting from improved defense practices; and

(iii) Identify methods for the efficient use of expert services and means by which parents may effectively access services.

If sufficient funds are available, the office of public defense shall contract with the Washington state institute for public policy to research how reducing dependency and termination case delays affects foster care and to identify factors that are reducing the number of family reunifications that occur in dependency and termination cases.

(5) \$50,000 of the public safety and education account--state appropriation is provided solely for the evaluation required in chapter 92, Laws of 2000 (DNA testing).

(6) \$235,000 of the public safety and education account--state appropriation is provided solely for the office of public defense to contract with an existing public defender association to establish a capital defense assistance center.

**Sec. 114.** 2001 2nd sp.s. c 7 s 115 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF THE GOVERNOR**

General Fund--State Appropriation (FY 2002) \$ ~~((4,537,000))~~

4,497,000

General Fund--State Appropriation (FY 2003) \$ ~~((4,524,000))~~

4,028,000

General Fund--Federal Appropriation \$ 219,000

Water Quality Account--State

Appropriation \$ 3,908,000

TOTAL APPROPRIATION \$ ~~((13,188,000))~~

12,652,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,908,000 of the water quality account appropriation and \$219,000 of the general fund--federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound work plan and agency action items PSAT-01 through PSAT-05.

(2) \$100,000 of the general fund--state appropriation for fiscal year 2002 ~~(and \$100,000 of the general fund--state appropriation for fiscal year 2003 are)~~ is provided solely for the salmon recovery office to support the efforts of the independent science panel.

**Sec. 115.** 2001 2nd sp.s. c 7 s 116 (uncodified) is amended to read as follows:

**FOR THE LIEUTENANT GOVERNOR**

General Fund--State Appropriation (FY 2002) \$ 449,000

General Fund--State Appropriation (FY 2003) \$ ~~((451,000))~~

428,000

TOTAL APPROPRIATION \$ ~~((900,000))~~

877,000

**Sec. 116.** 2001 2nd sp.s. c 7 s 117 (uncodified) is amended to read as follows:

**FOR THE PUBLIC DISCLOSURE COMMISSION**

General Fund--State Appropriation (FY 2002) \$ 1,910,000

General Fund--State Appropriation (FY 2003) \$ ~~((1,903,000))~~

1,846,000

TOTAL APPROPRIATION \$ ~~((3,813,000))~~

3,756,000

**Sec. 117.** 2001 2nd sp.s. c 7 s 118 (uncodified) is amended to read as follows:

**FOR THE SECRETARY OF STATE**

General Fund--State Appropriation (FY 2002) \$ ~~((10,513,000))~~

10,485,000

General Fund--State Appropriation (FY 2003) \$ ~~((8,707,000))~~

6,446,000

Archives and Records Management Account--State

Appropriation \$ ~~((7,295,000))~~

7,877,000

Archives and Records Management Account--Private/

Local Appropriation \$ ~~((3,860,000))~~

4,572,000

Department of Personnel Service Account

Appropriation \$ ~~((719,000))~~

701,000

TOTAL APPROPRIATION \$ ((~~31,094,000~~)) 30,081,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$2,296,000~~)) \$2,126,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) ((~~\$2,193,000~~)) \$2,143,000 of the general fund--state appropriation for fiscal year 2002 and ((~~\$2,712,000~~)) \$2,578,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2002 and ((~~\$125,000~~)) \$118,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$1,944,004 of the general fund--state appropriation for fiscal year 2002 and \$1,986,772 of the general fund--state appropriation for fiscal year 2003 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2001-2003 biennium. An eligible nonprofit organization must be formed solely for the purpose of, and be experienced in, providing gavel-to-gavel television coverage of state government deliberations and other events of statewide significance and must have received a determination of tax-exempt status under section 501(c)(3) of the federal internal revenue code. The funding level for each year of the contract shall be based on the amount provided in this subsection and adjusted to reflect the implicit price deflator for the previous year. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in (a) and (b) of this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a four-year contract with the nonprofit organization to provide public affairs coverage through June 30, 2006.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5)(a) \$149,316 of the archives and records management--state appropriation and \$597,266 of the archives and records management--private/local appropriation are provided solely for the construction of an eastern regional archives. The amounts provided in this subsection shall lapse if:

(i) The financing contract for the construction of an eastern regional archives building is not authorized in the capital budget for the 2001-03 fiscal biennium; or

(ii) Substitute House Bill No. 1926 (increasing the surcharge on county auditor recording fees) is not enacted by July 31, 2001.

(b) ((~~\$613,879~~)) \$566,879 of the archives and records management--state appropriation and ((~~\$463,102~~)) \$451,102 of the archives and records management--private/local appropriation are provided solely for the design and establishment of an electronic data archive, including the acquisition of hardware and software. The amounts provided in this subsection shall lapse if:

(i) The financing contract for acquisition of technology hardware and software for the electronic data archive is not authorized in the capital budget for the 2001-03 fiscal biennium; or

(ii) Substitute House Bill No. 1926 (increasing the surcharge on county auditor recording fees) is not enacted by June 30, 2001.

(6) If the financing contract for expansion of the state records center is not authorized in the capital budget for fiscal biennium 2001-03, then \$641,000 of the archives and records management account--state appropriation shall lapse.

(7) ((~~\$867,000~~)) \$1,635,000 of the archives and records management account--state appropriation is provided solely for operation of the central microfilming bureau under RCW 40.14.020(8).

**Sec. 118.** 2001 2nd sp.s. c 7 s 119 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS**

General Fund--State Appropriation (FY 2002) \$ 269,000

General Fund--State Appropriation (FY 2003) \$ ((~~282,000~~))

TOTAL APPROPRIATION \$ ((~~551,000~~)) 274,000

**Sec. 119.** 2001 2nd sp.s. c 7 s 120 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON ASIAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2002) \$ 233,000

General Fund--State Appropriation (FY 2003) \$ ((~~233,000~~))

TOTAL APPROPRIATION \$ ((~~466,000~~)) 201,000

**Sec. 120.** 2001 2nd sp.s. c 7 s 123 (uncodified) is amended to read as follows:

**FOR THE STATE AUDITOR**

General Fund--State Appropriation (FY 2002) \$ ((~~1,078,000~~))

General Fund--State Appropriation (FY 2003) \$ ((~~1,324,000~~))

State Auditing Services Revolving Account--State 901,000

Appropriation \$ ((~~13,540,000~~))

TOTAL APPROPRIATION \$ ((~~15,942,000~~)) 1,051,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

13,193,000

15,145,000

(2) (~~(\$940,000)~~) \$901,000 of the general fund--state appropriation for fiscal year 2002 and (~~(\$940,000)~~) \$901,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the state auditor to contract for an objective and systematic performance audit of state claims benefits administration.

(a) The independent contractor shall use generally accepted government auditing standards. The performance audit shall include, but not be limited to, the following:

(i) Validity and reliability of management's performance measures;

(ii) A review of internal controls and internal audits;

(iii) The adequacy of systems used for measuring, reporting, and monitoring performance;

(iv) The extent to which legislative, regulatory, and organizational goals and objectives are being achieved; and

(v) Identification and recognition of best practices.

(b) The performance audit on state claims benefits shall include direct grants to clients, direct payments to providers, and workers' compensation payments. The following state agencies, at a minimum, shall be subject to audit sampling: Department of community, trade, and economic development, the employment security department, the department of labor and industries, the department of social and health services, and the Washington state health care authority. The performance audit shall indicate and grade agencies' performances in administering state claims benefits. The state auditor shall report the findings of the performance audit to the appropriate legislative committees by November 30, 2002.

Sec. 121. 2001 2nd sp.s. c 7 s 124 (uncodified) is amended to read as follows:

**FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS**

General Fund--State Appropriation (FY 2002) \$ 80,000

General Fund--State Appropriation (FY 2003) \$ (~~(452,000)~~)

147,000

TOTAL APPROPRIATION \$ (~~(232,000)~~)

227,000

Sec. 122. 2001 2nd sp.s. c 7 s 125 (uncodified) is amended to read as follows:

**FOR THE ATTORNEY GENERAL**

General Fund--State Appropriation (FY 2002) \$ 4,811,000

General Fund--State Appropriation (FY 2003) \$ (~~(4,806,000)~~)

4,070,000

General Fund--Federal Appropriation \$ 2,868,000

Public Safety and Education Account--State

Appropriation \$ (~~(1,789,000)~~)

1,753,000

Tobacco Prevention and Control Account

Appropriation \$ 277,000

New Motor Vehicle Arbitration Account--State

Appropriation \$ 1,163,000

Legal Services Revolving Account--State

Appropriation \$ (~~(147,306,000)~~)

147,422,000

TOTAL APPROPRIATION \$ (~~(163,020,000)~~)

162,364,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) The attorney general and the office of financial management shall modify the attorney general billing system to meet the needs of user agencies for greater predictability, timeliness, and explanation of how legal services are being used by the agency. The attorney general shall provide the following information each month to agencies receiving legal services: (a) The full-time equivalent attorney services provided for the month; (b) the full-time equivalent investigator services provided for the month; (c) the full-time equivalent paralegal services provided for the month; and (d) direct legal costs, such as filing and docket fees, charged to the agency for the month.

(3) Prior to entering into any negotiated settlement of a claim against the state, that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(4)(a) \$87,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the office of the attorney general to prepare a report by October 1, 2002, on federal and Indian reserved water rights, and to submit the report to the standing committees of the legislature having jurisdiction over water resources. The objectives of the report shall be to:

(i) Examine and characterize the types of water rights issues involved;

(ii) Examine the approaches of other states to such issues and their results;

(iii) Examine methods for addressing such issues including, but not limited to, administrative, judicial, or other methods, or any combinations thereof; and

(iv) Examine implementation and funding requirements.

(b) Following receipt of the report, the standing committees of the legislature having jurisdiction over water resources shall seek and consider the recommendations of the relevant departments and agencies of the United States, the federally recognized Indian tribes with water-related interests in the state, and water users in the state and shall develop recommendations.

Sec. 123. 2001 2nd sp.s. c 7 s 126 (uncodified) is amended to read as follows:

**FOR THE CASELOAD FORECAST COUNCIL**

General Fund--State Appropriation (FY 2002) \$ 631,000

General Fund--State Appropriation (FY 2003) \$ (~~(619,000)~~)

600,000

TOTAL APPROPRIATION \$ (~~(1,250,000)~~)

1,231,000

NEW SECTION. Sec. 124. A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FINANCIAL INSTITUTIONS.** The department of financial institutions shall reduce its fiscal year 2003 expenditures from the financial services regulation account by the amount of \$357,000.

**Sec. 125.** 2001 2nd sp.s. c 7 s 127 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**  
 General Fund--State Appropriation (FY 2002) \$ ((71,083,500))

	<u>70,893,000</u>
General Fund--State Appropriation (FY 2003) \$ ((70,873,500))	<u>60,499,000</u>
General Fund--Federal Appropriation \$ 173,342,000	
General Fund--Private/Local Appropriation \$ 7,980,000	
Public Safety and Education Account--State Appropriation \$ ((40,300,000))	<u>10,094,000</u>
Public Works Assistance Account--State Appropriation \$ 1,911,000	
<u>Salmon Recovery Account--State Appropriation \$ 1,500,000</u>	
Film and Video Promotion Account--State Appropriation \$ 25,000	
Building Code Council Account--State Appropriation \$ ((1,061,000))	<u>1,226,000</u>
Administrative Contingency Account--State Appropriation \$ 1,777,000	
Low-Income Weatherization Assistance Account--State Appropriation \$ 3,292,000	
Violence Reduction and Drug Enforcement Account-- State Appropriation \$ ((6,081,000))	<u>7,513,000</u>
Manufactured Home Installation Training Account-- State Appropriation \$ 256,000	
Community Economic Development Account-- State Appropriation \$ 113,000	
Washington Housing Trust Account--State Appropriation \$ ((5,597,000))	<u>10,368,000</u>
Public Facility Construction Loan Revolving Account--State Appropriation \$ ((50,000))	<u>586,000</u>
<b>TOTAL APPROPRIATION \$ ((354,242,000))</b>	<b><u>351,375,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that the department of community, trade, and economic development receive separate programmatic allotments for the office of community development and the office of trade and economic development. Any appropriation made to the department of community, trade, and economic development for carrying out the powers, functions, and duties of either office shall be credited to the appropriate office.

(2) \$3,085,000 of the general fund--state appropriation for fiscal year 2002 and ((3,085,000)) \$2,838,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract with the Washington technology center. For work essential to the mission of the Washington technology center and conducted in partnership with universities, the center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(3) \$61,000 of the general fund--state appropriation for fiscal year 2002 and \$62,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(4) ((10,403,445)) \$10,804,156 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2002 as follows:

- (a) \$3,603,250 to local units of government to continue multijurisdictional narcotics task forces;
- (b) \$620,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;
- (c) \$1,363,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;
- (d) \$200,000 to the department for grants to support tribal law enforcement needs;
- (e) \$991,000 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;
- (f) \$302,551 to the department for training and technical assistance of public defenders representing clients with special needs;
- (g) \$88,000 to the department to continue a substance abuse treatment in jails program, to test the effect of treatment on future criminal behavior;
- (h) \$697,075 to the department to continue domestic violence legal advocacy;
- (i) \$903,000 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;
- (j) \$60,000 to the Washington association of sheriffs and police chiefs to complete the state and local components of the national incident-based reporting system;
- (k) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;
- (l) \$91,000 to the department to continue the governor's council on substance abuse;
- (m) \$99,000 to the department to continue evaluation of Byrne formula grant programs;
- (n) ((500,469)) \$901,180 to the office of financial management for criminal history records improvement; and
- (o) \$825,100 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(5) ~~(\$470,000)~~ \$320,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$470,000)~~ \$320,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the rural economic development activities including \$200,000 for the Washington manufacturing service, and \$100,000 for business retention and expansion) opportunity fund.

(6) \$1,250,000 of the general fund--state appropriation for fiscal year 2002 and \$1,250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to operate, repair, and staff shelters for homeless families with children.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2002 and \$2,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to operate transitional housing for homeless families with children. The grants may also be used to make partial payments for rental assistance.

(8) \$1,250,000 of the general fund--state appropriation for fiscal year 2002 and \$1,250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for consolidated emergency assistance to homeless families with children.

(9) \$205,000 of the general fund--state appropriation for fiscal year 2002 and \$205,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to Washington Columbia river gorge counties to implement their responsibilities under the national scenic area management plan. Of this amount, \$390,000 is provided for Skamania county and \$20,000 is provided for Clark county.

(10) \$698,000 of the general fund--state appropriation for fiscal year 2002, \$698,000 of the general fund--state appropriation for fiscal year 2003, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations to maintain existing programs.

(11) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(12) \$680,000 of the Washington housing trust account appropriation is provided solely to conduct a pilot project designed to lower infrastructure costs for residential development.

(13) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided to the department solely for providing technical assistance to developers of housing for farmworkers.

(14) \$370,000 of the general fund--state appropriation for fiscal year 2002, \$371,000 of the general fund--state appropriation for fiscal year 2003, and \$25,000 of the film and video promotion account appropriation are provided solely for the film office to bring film and video production to Washington state.

(15) \$22,000 of the general fund--state appropriation for fiscal year 2002 ~~(and \$23,000 of the general fund--state appropriation for fiscal year 2003 are)~~ is provided solely as a matching grant to support the Washington state senior games. State funding shall be matched with at least an equal amount of private or local governmental funds.

(16) \$500,000 of the general fund--state appropriation for fiscal year 2002 and \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for grants to food banks and food distribution centers to increase their ability to accept, store, and deliver perishable food.

(17) \$230,000 of the general fund--state appropriation for fiscal year 2002, \$230,000 of the general fund--state appropriation for fiscal year 2003, and the entire community economic development account appropriation are provided solely for support of the developmental disabilities endowment governing board and startup costs of the endowment program. Startup costs are a loan from the state general fund and will be repaid from funds within the program as determined by the governing board. The governing board may use state appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income. The director of the department, or the director of the subsequent department of community development, may implement fees to support the program as provided under RCW 43.330.152.

(18) \$880,000 of the public safety and education account appropriation is provided solely for community-based legal advocates to assist sexual assault victims with both civil and criminal justice issues. If Senate Bill No. 5309 is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(19) \$65,000 of the general fund--state appropriation for fiscal year 2002 and \$65,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(20) \$120,000 of the general fund--state appropriation for fiscal year 2002 and \$120,000 of the ~~(general fund--state)~~ Washington housing trust account appropriation for fiscal year 2003 are provided solely as one-time pass-through funding to currently licensed overnight youth shelters. If Substitute House Bill No. 2060 (low-income housing) is not enacted by June 30, 2002, the fiscal year 2003 appropriation shall be made from the state general fund.

(21) \$1,868,000 of the Washington housing trust account appropriation for fiscal year 2003 is provided solely for emergency shelter assistance. If Substitute House Bill No. 2060 (low-income housing) is not enacted by June 30, 2002, the fiscal year 2003 appropriation shall be made from the state general fund.

(22) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall contract with a lender or contract collection agent to act as a collection agent of the state. The lender or contract collection agent shall collect payments on outstanding loans, and deposit them into an interest-bearing account. The funds collected shall be remitted to the department quarterly. Interest earned in the account may be retained by the lender or contract collection agent, and shall be considered a fee for processing payments on behalf of the state. Repayments of loans granted under this chapter shall be made to the lender or contract collection agent as long as the loan is outstanding, notwithstanding the repeal of the chapter.

~~((22))~~ (23) \$75,000 of the general fund--state appropriation for fiscal year 2002 ~~(and \$75,000 of the general fund--state appropriation for fiscal year 2003 are)~~ is provided solely for the community connections program in Walla Walla.

~~((23))~~ (24) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided to the office of community development solely for the purposes of providing assistance to industrial workers who have been displaced by energy cost-related industrial plant closures in rural counties. For purposes of this subsection, "rural county" is as defined in RCW 82.14.370(5). The office of community development shall distribute the amount in this subsection to community agencies that assist the displaced industrial workers in meeting basic needs including, but not limited to, emergency medical and dental services, family and mental health counseling, food, energy costs, mortgage, and rental costs. The department shall not retain more than two percent of the amount provided in this subsection for administrative costs.

~~((24))~~ (25) \$91,500 of the general fund--state appropriation for fiscal year 2002 and \$91,500 of the general fund--state appropriation for fiscal year 2003 are provided solely for services related to the foreign representative contract for Japan.

~~((25))~~ (26) \$81,000 of the general fund--state appropriation for fiscal year 2002 ~~(and \$81,000 of the general fund--state appropriation for fiscal year 2003 are)~~ is provided solely for business finance and loan programs.

~~((26))~~ (27) \$150,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the quick sites initiative program.

~~((27))~~ (28) \$120,000 of the general fund--state appropriation for fiscal year 2002 ~~(and \$120,000 of the general fund--state appropriation for fiscal year 2003 are)~~ is provided solely for operating a business information hotline.

~~((28))~~ (29) \$29,000 of the general fund--state appropriation for fiscal year 2002 ~~((and \$29,000 of the general fund--state appropriation for fiscal year 2003 are))~~ is provided solely for travel expenses associated with the office of trade and economic development's provision of outreach and technical assistance services to businesses and local economic development associations.

~~((29))~~ (30) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for information technology enhancements designed to improve the delivery of agency services to customers.

(31) \$300,000 of the general fund--state appropriation for fiscal year 2003 is provided to reimburse nonprofit associations engaged in the production and performance of musical, dance, artistic, dramatic, or literary works for the benefit of the general public for back leasehold excise taxes assessed by the department of revenue.

(32) \$10,111,682 of the general fund--federal appropriation is provided solely for the drug control and system improvement formula grant program, to be distributed in state fiscal year 2003 as follows:

(a) \$3,551,972 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$611,177 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,343,603 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$197,154 to the department for grants to support tribal law enforcement needs;

(e) \$976,897 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$298,246 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$687,155 to the department to continue domestic violence legal advocacy;

(h) \$890,150 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(i) \$89,705 to the department to continue the governor's council on substance abuse;

(j) \$97,591 to the department to continue evaluation of Byrne formula grant programs;

(k) \$494,675 to the office of financial management for criminal history records improvement;

(l) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence; and

(m) \$813,358 to the department for required grant administration, monitoring, and reporting on Byrne formula grant programs.

These amounts represent the maximum Byrne grant expenditure authority for each program. No program may expend Byrne grant funds in excess of the amounts provided in this subsection. If moneys in excess of those appropriated in this subsection become available, whether from prior or current fiscal year Byrne grant distributions, the department shall hold these moneys in reserve and may not expend them without specific appropriation. These moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. As part of its budget request for the succeeding year, the department shall estimate and request authority to spend any funds remaining in reserve as a result of this subsection.

(33) \$165,000 of the building code council account appropriation for fiscal year 2003 is provided solely for the state building code council pursuant to Senate Bill No. 5352 (building code council fee increase). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(34) \$202,000 of the mobile home park relocation account appropriation for fiscal year 2003 is provided solely for the department to administer the mobile home relocation assistance program as provided by Second Substitute Senate Bill No. 5354 (mobile home relocation assistance fee). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(35) The appropriations in this section reflect a reduction of \$504,000 from the general fund--state appropriation for fiscal year 2003. To implement this reduction, the office of trade and economic development shall take actions consistent with its mission, goals, and objectives to reduce operating costs. Such action, to the greatest extent possible, shall maintain direct payments to service providers, grants to other entities, and other pass-through funds. Examples of actions that may be taken to effect this reduction include hiring freezes, employee furloughs, staffing reductions, restricted travel and training, delaying purchases of equipment, and limiting personal service contracts.

(36) \$40,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to implement the state task force on funding for community-based services to victims of crime as provided in Senate Bill No. 6763. If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(37) The appropriations in this section reflect a reduction of \$1,641,000 from the general fund--state appropriation for fiscal year 2003. To implement this reduction, the office of community development shall take actions consistent with its mission, goals, and objectives to reduce operating costs. Such action, to the greatest extent possible, shall maintain direct payments to service providers, grants to other entities, and other pass-through funds. Examples of actions that may be taken to effect this reduction include hiring freezes, employee furloughs, staffing reductions, restricted travel and training, delaying purchases of equipment, and limiting personal service contracts.

Sec. 126. 2001 2nd sp.s. c 7 s 128 (uncodified) is amended to read as follows:

**FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL**

General Fund--State Appropriation (FY 2002) \$ 512,000

General Fund--State Appropriation (FY 2003) \$ ~~((514,000))~~

499,000

TOTAL APPROPRIATION \$ ~~((1,026,000))~~

1,011,000

Sec. 127. 2001 2nd sp.s. c 7 s 129 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT**

General Fund--State Appropriation (FY 2002) \$ 12,456,000

General Fund--State Appropriation (FY 2003) \$ ~~((12,024,000))~~

12,508,000

General Fund--Federal Appropriation \$  
Violence Reduction and Drug Enforcement  
Account--State Appropriation \$

226,000

State Auditing Services Revolving  
Account--State Appropriation \$ 25,000

TOTAL APPROPRIATION \$ ~~((48,391,000))~~

48,872,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management shall review policies and procedures regarding purchasing of information technology upgrades by state agencies. Information technology upgrades include replacement workstations, network equipment, operating systems and

application software. The review shall document existing policies and procedures, and shall compare alternative upgrade policies that reduce the overall cost to state government for maintaining adequate information technology to meet the existing business needs of state agencies. Findings and recommendations from this review shall be reported to appropriate committees of the legislature by December 1, 2001.

(2) State agencies that provide services to other state agencies are expected to reduce their expenditures and to share the savings with their clients. The office of financial management shall achieve a reduction of \$339,000 in its billings for financial system services purchased by state agencies in fiscal year 2003. The reduction is expected to result from both reduced demand for services and reduced rates.

(3) \$500,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2671 (permit assistance center). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(4) \$350,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for an assessment and performance scoring of state agencies and separate systemwide performance audits of two governmental functions: State capital construction practices and state contracting practices.

(a) The scorecard on state agencies shall include, but not be limited to, the following:

(i) Quality and process management practices;

(ii) Independent and internal audit functions;

(iii) Internal and external customer satisfaction;

(iv) Program effectiveness;

(v) Fiscal productivity and efficiency; and

(vi) Statutory and regulatory compliance.

Each agency shall be graded on the categories selected for the scorecard. The office of financial management shall submit the results of the performance scoring, forward recommendations for legislation to the governor and the appropriate committees of the legislature by November 30, 2002, and release the results of the performance scoring to the public.

(b)(i) The office of financial management shall conduct separate systemwide performance audits on the state's capital construction and contracting practices using generally accepted government auditing standards. Each performance audit shall include, but not be limited to, a review of the following:

(A) Validity and reliability of management's performance measures;

(B) A review of internal controls and internal audits;

(C) The adequacy of systems used for measuring, reporting, and monitoring performance;

(D) The extent to which legislative, regulatory, and organizational goals and objectives are being achieved; and

(E) Identification and recognition of best practices.

(ii) The performance audit on state capital construction practices shall include building projects, highway projects, and architectural and engineering services. The following state agencies, at a minimum, shall be subject to audit sampling: Department of transportation, department of general administration, and state higher education agencies.

(iii) The performance audit on state contracting practices shall include state agencies with sufficient activity with personal services contracts and other types of contracts to evaluate the state's contracting practices.

(iv) The office of financial management shall grade the results of the performance audits to indicate agencies' performance regarding capital construction and contracting practices. The office of financial management shall report findings from the performance audits to the governor and appropriate legislative committees by November 30, 2002.

(c) The office of financial management may contract for consulting services in completing requirements under this subsection.

Sec. 128. 2001 2nd sp.s. c 7 s 130 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF ADMINISTRATIVE HEARINGS**

Administrative Hearings Revolving Account--State

Appropriation \$ ((21,938,000))

22,394,000

Sec. 129. 2001 2nd sp.s. c 7 s 131 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF PERSONNEL**

Department of Personnel Service Account--State

Appropriation \$ ((17,297,000))

17,035,000

Higher Education Personnel Services Account--State

Appropriation \$ 1,636,000

TOTAL APPROPRIATION \$ ((18,933,000))

18,671,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of personnel may charge agencies through the data processing revolving account up to \$561,000 in fiscal year 2002 to study the development of a new personnel and payroll system. The unexpended amount of \$545,000 shall be refunded to agencies in the form of reduced agency billings in fiscal year 2003.

(2) Funding to cover ((these)) expenses under subsection (1) of this section shall be realized from agency FICA savings associated with the pretax benefits contributions plans. Funding is subject to section 902 of this act.

Sec. 130. 2001 2nd sp.s. c 7 s 132 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE LOTTERY**

Lottery Administrative Account--State

Appropriation \$ ((22,130,000))

21,795,000

**NEW SECTION. Sec. 131.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**STATE GAMBLING COMMISSION.** The state gambling commission is directed to reduce its fiscal year 2003 expenditures from the gambling revolving account by the amount of \$450,000.

Sec. 132. 2001 2nd sp.s. c 7 s 133 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON HISPANIC AFFAIRS**

General Fund--State Appropriation (FY 2002) \$ 226,000

General Fund--State Appropriation (FY 2003) \$ ((234,000))

210,000

TOTAL APPROPRIATION \$ ((460,000))

436,000

Sec. 133. 2001 2nd sp.s. c 7 s 134 (uncodified) is amended to read as follows:

**FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS**

General Fund--State Appropriation (FY 2002) \$ 211,000	
General Fund--State Appropriation (FY 2003) \$ ((209,000))	207,000
TOTAL APPROPRIATION \$ ((420,000))	418,000

**Sec. 134.** 2001 2nd sp.s. c 7 s 135 (uncodified) is amended to read as follows:

**FOR THE PERSONNEL APPEALS BOARD**  
 Department of Personnel Service Account--State  
 Appropriation \$ ((1,679,000))

1,705,000

The appropriation in this section is subject to the following conditions and limitations: \$26,000 of the department of personnel services account appropriation is provided solely for paying accrued annual and sick leave to a retired board member.

**Sec. 135.** 2001 2nd sp.s. c 7 s 136 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS**

Dependent Care Administrative Account--State  
 Appropriation \$ 378,000  
 Department of Retirement Systems Expense Account--  
 State Appropriation \$ ((49,562,000))

49,183,000

TOTAL APPROPRIATION \$ ((49,940,000))

49,561,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the department of retirement systems expense account appropriation is provided solely for support of the information systems project known as the electronic document image management system.

(2) \$120,000 of the department of retirement systems expense account appropriation is provided solely for locating inactive members entitled to retirement benefits.

(3) \$117,000 of the department of retirement systems expense account appropriation is provided solely for modifications to the retirement information systems to accommodate tracking of postretirement employment on an hourly basis.

(4) \$440,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 5143 (Washington state patrol retirement systems plan 2).

(5) \$6,420,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of public employees' retirement system plan 3 (chapter 247, Laws of 2000).

(6) ~~(\$101,000 of the department of retirement systems expense account state appropriation is provided solely to implement Senate Bill No. 5144 (LEOFF survivor benefit). If the bill is not enacted by July 31, 2001, the amount provided in this subsection shall lapse.~~

~~(7) \$744,000 of the department of retirement systems expense account state appropriation is provided solely to implement Second Engrossed Substitute Senate Bill No. 6166 (LEOFF restructuring). If the bill is not enacted by July 31, 2001, the amount provided in this subsection shall lapse.)~~ \$96,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6376 (PERS plan 3 transfer payment). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(7) \$9,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6377 (TRS plan 1 extended school year). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(8) \$12,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6378 (LEOFF plan 2 part-time leave of absence). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(9) \$122,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6379 (transferring service credit to WSPRS). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(10) \$651,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6380 (survivor benefits). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(11) \$53,000 of the department of retirement systems expense account appropriation is provided solely for the implementation of Senate Bill No. 6381 (PERS plan 1 terminated vested). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(12) \$130,000 of the department of retirement systems expense account appropriation for fiscal year 2003 is provided solely for the implementation of House Bill No. 2896 (EMT service credit transfer). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(13) The appropriations in this section are reduced to reflect savings resulting from a 0.01 percent reduction of the department of retirement systems administrative expense rate, effective May 1, 2002, from 0.23 to 0.22 for the remainder of the 2001-03 biennium.

**Sec. 136.** 2001 2nd sp.s. c 7 s 137 (uncodified) is amended to read as follows:

**FOR THE STATE INVESTMENT BOARD**  
 State Investment Board Expense Account--State  
 Appropriation \$ ((12,876,000))

13,461,000

**Sec. 137.** 2001 2nd sp.s. c 7 s 138 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF REVENUE**

General Fund--State Appropriation (FY 2002) \$ ((72,820,000))

72,823,000

General Fund--State Appropriation (FY 2003) \$ ((72,387,000))

78,149,000

Timber Tax Distribution Account--State  
 Appropriation \$ 5,131,000

Waste Education/Recycling/Litter Control--State  
 Appropriation \$ 101,000

State Toxics Control Account--State  
 Appropriation \$ 67,000

Oil Spill Administration Account--State

Appropriation \$ 14,000  
 Multimodal Transportation Account--State  
 Appropriation \$ 109,000  
 TOTAL APPROPRIATION \$ ((150,520,000))

156,394,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$269,000 of the general fund--state appropriation for fiscal year 2002 and \$49,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to establish and provide staff support to a committee on taxation to study the elasticity, equity, and adequacy of the state's tax system.

((1+)) (a) The committee shall consist of eleven members. The department shall appoint six academic scholars from the fields of economics, taxation, business administration, public administration, public policy, and other relevant disciplines as determined by the department, after consulting with the majority and minority leaders in the senate, the co-speakers in the house of representatives, the chair of the ways and means committee in the senate, and the co-chairs of the finance committee in the house of representatives. The governor and the chairs of the majority and minority caucuses in each house of the legislature shall each appoint one member to the committee. These appointments may be legislative members. The members of the committee shall either elect a voting chair from among their membership or a nonvoting chair who is not a member of the committee. Members of the committee shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

((2)) (b) The purpose of the study is to determine how well the current tax system functions and how it might be changed to better serve the citizens of the state in the twenty-first century. In reviewing options for changes to the tax system, the committee shall develop multiple alternatives to the existing tax system. To the extent possible, the alternatives shall be designed to increase the harmony between the tax system of this state and the surrounding states, encourage commerce and business creation, and encourage home ownership. In developing alternatives, the committee shall examine and consider the effects of tax incentives, including exemptions, deferrals, and credits. The alternatives shall range from incremental improvements in the current tax structure to complete replacement of the tax structure. In conducting the study, the committee shall examine the tax structures of other states and review previous studies regarding tax reform in this state. In developing alternatives, the committee shall be guided by administrative simplicity, economic neutrality, fairness, stability, and transparency. Most of the alternatives presented by the committee to the legislature shall be revenue neutral and contain no income tax.

((3)) (c) The department shall create an advisory group to include, but not be limited to, representatives of business, state agencies, local governments, labor, taxpayers, and other advocacy groups. The group shall provide advice and assistance to the committee.

((4)) (d) The committee shall present a final report of its findings and alternatives to the ways and means committee in the senate and the finance committee in the house of representatives by November 30, 2002.

(2) \$90,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the department to conduct a study of tax incentives.

(a) The tax incentives covered by the study shall include the following:

(i) The rural county distressed areas sales tax deferral and exemption under chapter 82.60 RCW;

(ii) The rural county business and occupation tax credit for computer software development in RCW 82.04.4456;

(iii) The business and occupation tax jobs credit under chapter 82.62 RCW;

(iv) The business and occupation tax credit for international services under RCW 82.04.44525;

(v) The business and occupation tax credit for help-desk services in rural counties under RCW 82.04.4457;

(vi) The high technology business and occupation tax credit under RCW 82.04.4452;

(vii) The high technology sales tax deferral/exemption in chapter 82.63 RCW; and

(viii) The manufacturing, research and development, and testing operations sales and use tax exemptions under RCW 82.08.02565 and 82.12.02565.

(b) Taxpayer participation in the study is voluntary. Taxpayer information used in the study is confidential under the provisions of chapter 82.32 RCW. Additionally, the identity of any study participants may not be disclosed.

(c) The purpose of the study is to allow the legislature to evaluate the success of tax incentives in terms of job creation, product development, and other factors that are considered a return on investment of public funds. The study shall include information such as the amount of the incentive taken, the annual number of net new jobs as a result of the incentive, current employment, number of new products developed, the types and amounts of other taxes paid, whether the business expanded or is located in a certain area as a result of the incentive, and other information determined by the department to be relevant to the study.

(d) The department shall report to the appropriate legislative committees of the senate and house of representatives by November 30, 2002.

(3) \$109,000 of the multimodal transportation account--state appropriation for fiscal year 2003 is provided solely for the department to implement the provisions of House Bill No. 2969 (transportation). If the bill is not enacted by January 1, 2003, the amount provided in this subsection shall lapse. Further, the amount provided in this subsection shall lapse to the extent that funds are provided for this purpose in the transportation appropriations act.

(4) \$3,000 of the general fund--state appropriation for fiscal year 2002 and \$111,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to implement the provisions of House Bill No. 2658 (municipal business and occupation tax). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

Sec. 138. 2001 2nd sp.s. c 7 s 139 (uncodified) is amended to read as follows:

**FOR THE BOARD OF TAX APPEALS**

General Fund--State Appropriation (FY 2002) \$ 1,193,000  
 General Fund--State Appropriation (FY 2003) \$ ((1,038,000))

1,007,000

TOTAL APPROPRIATION \$ ((2,231,000))

2,200,000

Sec. 139. 2001 2nd sp.s. c 7 s 142 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

General Fund--State Appropriation (FY 2002) \$ 549,000  
 General Fund--State Appropriation (FY 2003) \$ ((630,000))

655,000

General Fund--Federal Appropriation \$ 1,930,000  
 General Fund--Private/Local Appropriation \$ ((444,000))

223,000

State Capitol Vehicle Parking Account--  
 State Appropriation \$ 154,000  
 General Administration Services Account--State  
 Appropriation \$ ((41,419,000))

39,546,000

TOTAL APPROPRIATION \$ ((45,126,000))

43,057,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall conduct a review of the ultimate purchasing system to evaluate the following: (a) The degree to which program objectives and assumptions were achieved; (b) the degree to which planned schedule of phases, tasks, and activities were accomplished; (c) an assessment of estimated and actual costs of each phase; (d) an assessment of project cost recovery/cost avoidance, return on investment, and measurable outcomes as each relate to the agency's business functions and other agencies' business functions; and (e) the degree to which integration with the agency and state information technology infrastructure was achieved. The department will receive written input from participating pilot agencies that describes measurable organizational benefits and cost avoidance opportunities derived from use of the ultimate purchasing system. The performance review shall be submitted to the office of financial management and the appropriate legislative fiscal committees by July 1, 2002.

(2) \$60,000 of the general administration services account appropriation is provided solely for costs associated with the development of the information technology architecture to link the risk management information system and the tort division's case management system, and the reconciliation of defense cost reimbursement information.

(3) \$44,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the department to implement the waste management and recycling provisions of Substitute House Bill No. 2308 (encouraging recycling and waste reduction). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(4) State agencies that provide services to other state agencies are expected to reduce their expenditures and to share the savings with their clients. The department of general administration shall achieve a reduction of \$1,302,000 in its billings for motor pool, consolidated mail, and other services that state agencies purchase in fiscal year 2003. The reduction is expected to result from both reduced demand for services and reduced rates.

Sec. 140. 2001 2nd sp.s. c 7 s 143 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF INFORMATION SERVICES**

Data Processing Revolving Account--State  
Appropriation \$ ((3,706,000))

3,610,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Fifteen independent private, nonprofit colleges, located in Washington state, have requested connection to the K-20 educational telecommunications network. These K-20 connections shall be provided to the private schools on a full cost reimbursement basis, net of the value of services and information provided by the private institutions, based on criteria approved by the K-20 board.

(2) Some private K-12 schools have requested limited "pilot connections" to the K-20 network to test the technical and economic feasibility of one or more connection models. These K-20 connections shall be provided to the private K-12 schools on a full cost reimbursement basis, net of the value of services and information provided by the private K-12 schools based on criteria approved by the K-20 board.

(3) In the 2001-03 biennium, the department shall incorporate statewide elements for a common technology infrastructure into the state strategic information technology plan that state agencies shall then use in establishing individual agency business applications.

(4) The department shall implement the \$10,800,000 service rate reduction it proposed on August 14, 2000.

(5) State agencies that provide services to other state agencies are expected to reduce their expenditures and to share the savings with their clients. The department of information services shall achieve a reduction of \$1,995,000 in its billings for services purchased by state agencies in fiscal year 2003. The reduction is expected to result from both reduced demand for services and reduced rates.

Sec. 141. 2001 2nd sp.s. c 7 s 144 (uncodified) is amended to read as follows:

**FOR THE INSURANCE COMMISSIONER**

General Fund--Federal Appropriation \$ 622,000  
Insurance Commissioners Regulatory Account--State  
Appropriation \$ ((29,053,000))

29,928,000

TOTAL APPROPRIATION \$ ((29,675,000))

30,550,000

The appropriations in this section are subject to the following conditions and limitations: \$693,000 of the insurance commissioner's regulatory account appropriation is provided solely for moving and renovation costs associated with the colocation of the agency's Olympia-area facilities. Expenditures from this amount shall be subject to the approval of the department of general administration.

Sec. 142. 2001 2nd sp.s. c 7 s 147 (uncodified) is amended to read as follows:

**FOR THE HORSE RACING COMMISSION**

Horse Racing Commission Account--State  
Appropriation \$ ((4,504,000))

4,436,000

Sec. 143. 2001 2nd sp.s. c 7 s 148 (uncodified) is amended to read as follows:

**FOR THE LIQUOR CONTROL BOARD**

General Fund--State Appropriation (FY 2002) \$ 1,483,000  
General Fund--State Appropriation (FY 2003) \$ ((1,484,000))

1,439,000

General Fund--Federal Appropriation (FY 2003) \$ 99,000  
Liquor Control Board Construction and Maintenance  
Account--State Appropriation \$ ((8,114,000))

9,684,000

Liquor Revolving Account--State  
Appropriation \$ ((142,148,000))

125,927,000

TOTAL APPROPRIATION \$ ((153,229,000))

138,632,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,573,000 of the liquor revolving account appropriation is provided solely for the agency information technology upgrade. This amount provided in this subsection is conditioned upon satisfying the requirements of section 902 of this act.

(2) \$4,803,000 of the liquor revolving account appropriation is provided solely for the costs associated with the development and implementation of a merchandising business system. Expenditures of any funds for this system are conditioned upon the approval of the merchandising business system's feasibility study by the information services board. The amount provided in this subsection is also conditioned upon satisfying the requirements of section 902 of this act.

(3) \$84,000 of the liquor control board construction and maintenance account appropriation for fiscal year 2003 is provided solely for the liquor control board to employ additional staff during the holiday season to handle the expected increase in sales volume at the Seattle distribution center.

Sec. 144. 2001 2nd sp.s. c 7 s 149 (uncodified) is amended to read as follows:

**FOR THE UTILITIES AND TRANSPORTATION COMMISSION**

Public Service Revolving Account--State  
Appropriation \$ (~~27,108,000~~)

26,702,000

Pipeline Safety Account--State  
Appropriation \$ 3,305,000

Pipeline Safety Account--Federal  
Appropriation \$ 822,000

TOTAL APPROPRIATION \$ (~~31,235,000~~)

30,829,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,011,000 of the pipeline safety account--state appropriation and \$822,000 of the pipeline safety account--federal appropriation are provided solely for the implementation of Substitute Senate Bill No. 5182 (pipeline safety). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(2) \$294,000 of the pipeline safety account--state appropriation is provided solely for an interagency agreement with the joint legislative audit and review committee for a report on hazardous liquid and gas pipeline safety programs. The committee shall review staff use, inspection activity, fee methodology, and costs of the hazardous liquid and gas pipeline safety programs and report to the appropriate legislative committees by July 1, 2003. The report shall include a comparison of interstate and intrastate programs, including but not limited to the number and complexity of regular and specialized inspections, mapping requirements for each program, and allocation of administrative costs to each program. If Substitute Senate Bill No. 5182 (pipeline safety) is not enacted by June 30, 2001, the amount provided in this section shall lapse.

Sec. 145. 2001 2nd sp.s. c 7 s 151 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

General Fund--State Appropriation (FY 2002) \$ 9,165,000  
General Fund--State Appropriation (FY 2003) \$ (~~8,979,000~~)

8,710,000

General Fund--Federal Appropriation \$ 22,509,000  
General Fund--Private/Local Appropriation \$ 234,000  
Enhanced 911 Account--State Appropriation \$ (~~16,544,000~~)

20,269,000

Disaster Response Account--State Appropriation \$ (~~582,000~~)

2,010,000

Disaster Response Account--Federal Appropriation \$ (~~3,392,000~~)

6,510,000

Worker and Community Right to Know Fund--State  
Appropriation \$ 283,000

Nisqually Earthquake Account--State  
Appropriation \$ (~~37,884,000~~)

29,027,000

Nisqually Earthquake Account--Federal  
Appropriation \$ (~~157,795,000~~)

49,641,000

TOTAL APPROPRIATION \$ (~~257,367,000~~)

148,358,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~\$582,000~~) \$1,906,000 of the disaster response account--state appropriation is provided solely for the state share of response and recovery costs associated with federal emergency management agency (FEMA) disasters approved in the 1999-01 biennium budget. The military department may, upon approval of the director of financial management, use portions of the disaster response account--state appropriation to offset costs of new disasters occurring before June 30, 2003. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing disaster costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (d) estimates of future payments by biennium. This information shall be displayed by individual disaster, by fund, and by type of assistance. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2001-03 biennium based on current revenue and expenditure patterns.

(2) \$100,000 of the general fund--state fiscal year 2002 appropriation and \$100,000 of the general fund--state fiscal year 2003 appropriation are provided solely for implementation of the conditional scholarship program pursuant to chapter 28B.103 RCW.

(3) \$60,000 of the general fund--state appropriation for fiscal year 2002 and \$60,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Senate Bill No. 5256 (emergency management compact). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) \$35,000 of the general fund--state fiscal year 2002 appropriation and \$35,000 of the general fund--state fiscal year 2003 appropriation are provided solely for the north county emergency medical service.

(5) (~~\$1,374,000~~) \$2,145,000 of the Nisqually earthquake account--state appropriation and (~~\$3,861,000~~) \$4,174,000 of the Nisqually earthquake account--federal appropriation are provided solely for the military department's costs associated with coordinating the state's response to the February 28, 2001, earthquake.

(6) (~~\$1,347,000~~) \$678,000 of the Nisqually earthquake account--state appropriation and (~~\$5,359,000~~) \$3,420,000 of the Nisqually earthquake account--federal appropriation are provided solely for mitigation costs associated with the earthquake for state and local agencies. Of the amount from the Nisqually earthquake account--state appropriation, (~~\$898,000~~) \$217,000 is provided for the state matching share for state agencies and (~~\$449,000~~) \$462,000 is provided for one-half of the local matching share for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1).

(7) (~~\$35,163,000~~) \$8,970,000 of the Nisqually earthquake account--state appropriation and (~~\$148,575,000~~) \$42,047,000 of the Nisqually earthquake account--federal appropriation are provided solely for public assistance costs associated with the earthquake for state and local agencies. Of the amount from the Nisqually earthquake account--state appropriation, (~~\$20,801,000~~) \$3,924,000 is provided for the state matching share for state agencies and (~~\$14,362,000~~) \$5,046,000 is provided for one-half of the local matching share

for local entities. The amount provided for the local matching share constitutes a revenue distribution for purposes of RCW 43.135.060(1). ~~((Upon approval of the director of financial management, the military department may use portions of the Nisqually earthquake account--state appropriations to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.))~~

~~(8) \$17,234,000 of the Nisqually earthquake account--state appropriation is provided solely to cover other response and recovery costs associated with the Nisqually earthquake that are not eligible for federal emergency management agency reimbursement. Prior to expending funds provided in this subsection, the military department shall obtain prior approval of the director of financial management. Prior to approving any single project of over \$1,000,000, the office of financial management shall notify the fiscal committees of the legislature. The military department is to submit a quarterly report detailing the costs authorized under this subsection to the office of financial management and the legislative fiscal committees.~~

~~(9) \$2,818,000 of the enhanced 911 account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6034 or House Bill No. 2595 (enhanced 911 excise tax). If neither bill is enacted by June 30, 2002, the amount provided in this subsection shall lapse.~~

**Sec. 146.** 2001 2nd sp.s. c 7 s 152 (uncodified) is amended to read as follows:

**FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION**

General Fund--State Appropriation (FY 2002) \$ ~~((2,154,000))~~

2,225,000

General Fund--State Appropriation (FY 2003) \$ ~~((2,164,000))~~

2,339,000

TOTAL APPROPRIATION \$ ~~((4,318,000))~~

4,564,000

The appropriations in this section are subject to the following conditions and limitations:

~~(1) \$71,000 of the general fund--state appropriation for fiscal year 2002 and \$214,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the purpose of implementing requirements associated with Initiative Measure No. 775 (home care workers).~~

~~(2) \$47,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to implement House Bill No. 2403 and House Bill No. 2540 (higher education collective bargaining). If House Bill No. 2403 is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.~~

**Sec. 147.** 2001 2nd sp.s. c 7 s 153 (uncodified) is amended to read as follows:

**FOR THE GROWTH PLANNING HEARINGS BOARD**

General Fund--State Appropriation (FY 2002) \$ 1,497,000

General Fund--State Appropriation (FY 2003) \$ ~~((1,506,000))~~

1,461,000

TOTAL APPROPRIATION \$ ~~((3,003,000))~~

2,958,000

**PART II  
HUMAN SERVICES**

**Sec. 201.** 2001 2nd sp.s. c 7 s 201 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES.** (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose, except as expressly provided in subsection (3) of this section.

(2) The department of social and health services shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2002, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2002 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in subsection (3)(b) of this section.

(b) To the extent that transfers under subsection (3)(a) of this section are insufficient to fund actual expenditures in excess of fiscal year 2002 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support programs, the department may transfer state moneys that are provided solely for a specified purpose after approval by the director of financial management.

(c) The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications.

(4) In the event the department receives additional unrestricted federal funds or achieves savings in excess of that anticipated in this act, the department shall use up to \$5,000,000 of such funds to initiate a pilot project providing integrated support services to homeless individuals needing mental health services, alcohol or substance abuse treatment, medical care, or who demonstrate community safety concerns. Before such a pilot project is initiated, the department shall notify the fiscal committees of the legislature of the plans for such a pilot project including the source of funds to be used.

**Sec. 202.** 2001 2nd sp.s. c 7 s 202 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002) \$ ~~((225,789,000))~~

225,104,000

General Fund--State Appropriation (FY 2003) \$ ~~((239,013,000))~~

231,042,000

General Fund--Federal Appropriation \$ ~~((372,408,000))~~

369,403,000

General Fund--Private/Local Appropriation \$ 400,000

Public Safety and Education Account--

State Appropriation \$ ~~((987,000))~~

964,000

Violence Reduction and Drug Enforcement Account--  
State Appropriation \$ ((5,702,000))

5,639,000

TOTAL APPROPRIATION \$ ((844,299,000))

832,552,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,237,000 of the fiscal year 2002 general fund--state appropriation, ((~~\$2,288,000~~)) \$2,271,000 of the fiscal year 2003 general fund--state appropriation, and ((~~\$1,590,000~~)) \$1,584,000 of the general fund--federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$685,000 of the general fund--state fiscal year 2002 appropriation and \$701,000 of the general fund--state fiscal year 2003 appropriation are provided to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to thirteen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$524,000 of the general fund--state fiscal year 2002 appropriation ((~~and \$536,000~~)), \$375,000 of the general fund--state fiscal year 2003 appropriation, and \$161,000 of the general fund--federal appropriation are provided for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$1,260,000 of the fiscal year 2002 general fund--state appropriation, \$1,248,000 of the fiscal year 2003 general fund--state appropriation, and ((~~\$4,196,000~~)) \$4,150,000 of the violence reduction and drug enforcement account appropriation are provided solely for the family policy council and community public health and safety networks. The funding level for the family policy council and community public health and safety networks represents a 25 percent reduction below the funding level for the 1999-2001 biennium. Funding levels shall be reduced 25 percent for both the family policy council and network grants. Reductions to network grants shall be allocated so as to maintain current funding levels, to the greatest extent possible, for projects with the strongest evidence of positive outcomes and for networks with substantial compliance with contracts for network grants.

(5) \$2,215,000 of the fiscal year 2002 general fund--state appropriation, \$4,394,000 of the fiscal year 2003 general fund--state appropriation, and \$5,604,000 of the general fund--federal appropriation are provided solely for reducing the average caseload level per case-carrying social worker. Average caseload reductions are intended to increase the amount of time social workers spend in direct contact with the children, families, and foster parents involved with their open cases. The department shall use some of the funds provided in several local offices to increase staff that support case-carrying social workers in ways that will allow social workers to increase direct contact time with children, families, and foster parents. To achieve the goal of reaching an average caseload ratio of 1:24 by the end of fiscal year 2003, the department shall develop a plan for redeploying 30 FTEs to case-carrying social worker and support positions from other areas in the children and family services budget. The FTE redeployment plan shall be submitted to the fiscal committees of the legislature by December 1, 2001.

(6) \$1,000,000 of the fiscal year 2002 general fund--state appropriation and \$1,000,000 of the fiscal year 2003 general fund--state appropriation are provided solely for increasing foster parent respite care services that improve the retention of foster parents and increase the stability of foster placements. The department shall report quarterly to the appropriate committees of the legislature progress against appropriate baseline measures for foster parent retention and stability of foster placements.

(7) \$1,050,000 of the general fund--federal appropriation is provided solely for increasing kinship care placements for children who otherwise would likely be placed in foster care. These funds shall be used for extraordinary costs incurred by relatives at the time of placement, or for extraordinary costs incurred by relatives after placement if such costs would likely cause a disruption in the kinship care placement. \$50,000 of the funds provided shall be contracted to the Washington institute for public policy to conduct a study of kinship care placements. The study shall examine the prevalence and needs of families who are raising related children and shall compare services and policies of Washington state with other states that have a higher rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements.

(8) \$3,386,000 of the fiscal year 2002 general fund--state appropriation, ((~~\$20,819,000~~)) \$19,819,000 of the general fund--federal appropriation are provided solely for increases in the cost per case for foster care and adoption support. \$16,000,000 of the general fund--federal amount shall remain unallotted until the office of financial management approves a plan submitted by the department to achieve a higher rate of federal earnings in the foster care program. That plan shall also be submitted to the fiscal committees of the legislature and shall indicate projected federal revenue compared to actual fiscal year 2001 levels. Within the amounts provided for foster care, the department shall increase the basic rate for foster care to an average of \$420 per month on July 1, 2001 ((~~and to an average of \$440 per month on July 1, 2002~~)). The department shall use the remaining funds provided in this subsection to pay for increases in the cost per case for foster care and adoption support. The department shall seek to control rate increases and reimbursement decisions for foster care and adoption support cases such that the cost per case for family foster care, group care, receiving homes, and adoption support does not exceed the amount assumed in the projected caseload expenditures plus the amounts provided in this subsection.

(9) \$1,767,000 of the general fund--state appropriation for fiscal year 2002, ((~~\$2,461,000~~)) \$1,767,000 of the general fund--state appropriation for fiscal year 2003, and ((~~\$1,485,000~~)) \$1,241,000 of the general fund--federal appropriation are provided solely for rate and capacity increases for child placing agencies. Child placing agencies shall increase their capacity by 15 percent in fiscal year 2002 ((~~and 30 percent in fiscal year 2003~~)).

(10) The department shall provide secure crisis residential facilities across the state in a manner that: (a) Retains geographic provision of these services; and (b) retains beds in high use areas.

(11) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually, as described in House Bill No. 1525 (foster parent retention program).

Sec. 203. 2001 2nd sp. s. c 7 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM**  
**((1) COMMUNITY SERVICES))**

General Fund--State Appropriation (FY 2002) \$ ((36,625,000))

83,151,000

General Fund--State Appropriation (FY 2003) \$ ((38,125,000))

79,107,000

General Fund--Federal Appropriation \$ ((14,609,000))

13,803,000

General Fund--Private/Local Appropriation \$ ((380,000))	<u>1,110,000</u>
Juvenile Accountability Incentive Account--Federal Appropriation \$ ((9,361,000))	<u>10,461,000</u>
Public Safety and Education Account--State Appropriation \$ ((6,196,000))	<u>6,047,000</u>
Violence Reduction and Drug Enforcement Account-- State Appropriation \$ ((21,972,000))	<u>37,174,000</u>
TOTAL APPROPRIATION \$ ((127,268,000))	<u>230,853,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

((a)) (1) \$686,000 of the violence reduction and drug enforcement account appropriation is provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

((b)) (2) \$5,980,000 of the violence reduction and drug enforcement account appropriation is provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

((c)) (3) \$1,161,000 of the general fund--state appropriation for fiscal year 2002, \$1,162,000 of the general fund--state appropriation for fiscal year 2003, and \$5,190,000 of the violence reduction and drug enforcement account appropriation are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

((d)) (4) \$2,515,000 of the violence reduction and drug enforcement account appropriation is provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

((e)) (5) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for juvenile rehabilitation administration to contract with the institute for public policy for responsibilities assigned in chapter 338, Laws of 1997 (juvenile code revisions).

((f)) (6) \$100,000 of the general fund--state appropriation for fiscal year 2002 and \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for a contract for expanded services of the teamchild project.

((g)) (7) \$423,000 of the general fund--state appropriation for fiscal year 2002, ~~(\$924,000)~~ \$754,100 of the general fund--state appropriation for fiscal year 2003, ~~(\$174,000)~~ \$152,000 of the general fund--federal appropriation, ~~(\$196,000)~~ \$172,000 of the public safety and education assistance account appropriation, and ~~(\$690,000)~~ \$604,000 of the violence reduction and drug enforcement account appropriation are provided solely to increase payment rates for contracted service providers.

((h)) (8) \$16,000 of the general fund--state appropriation for fiscal year 2002 and \$16,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of chapter 167, Laws of 1999 (firearms on school property). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 167, Laws of 1999, and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

((i)) (9) \$3,441,000 of the general fund--state appropriation for fiscal year 2002 and \$3,441,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

((j)) (10) \$6,000,000 of the public safety and education account--state appropriation is provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. ~~((To the extent that distributions made under (i) and (j) of this subsection and pursuant to section 801 of this act exceed actual costs of processing truancy, children in need of services, and at-risk youth petitions, the department, in consultation with the respective juvenile court administrator and the county, may approve expenditure of funds provided in this subsection on other costs of the civil or criminal justice system. When this occurs, the department shall notify the office of financial management and the legislative fiscal committees.))~~ The department shall not retain any portion of these funds to cover administrative or any other departmental costs. The department, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

((k)) (11) The distributions made under ((i)) (9) and ((j)) (10) of this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

((l)) (12) Each quarter during the 2001-03 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing the petitions in each of the following categories: Truancy, children in need of services, and at-risk youth. Counties shall submit the reports to the department no later than 45 days after the end of the quarter. The department shall forward this information to the chair and ranking minority member of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a quarter ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

((m)) (13) \$1,692,000 of the juvenile accountability incentive account--federal appropriation is provided solely for the continued implementation of a pilot program to provide for postrelease planning and treatment of juvenile offenders with co-occurring disorders.

((n)) (14) \$22,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program implemented pursuant to (m) of this subsection.

((o)) (15) \$900,000 of the general fund--state appropriation for fiscal year 2002 and \$900,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

~~((p))~~ (16) \$33,000 of the general fund--state appropriation for fiscal year 2002 and \$29,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of House Bill No. 1070 (juvenile offender basic training). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

~~((q))~~ (17) \$21,000 of the general fund--state appropriation for fiscal year 2002 and \$42,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Senate Bill No. 5468 (chemical dependency). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

~~((r))~~ (18) The juvenile rehabilitation administration, in consultation with the juvenile court administrators, may agree on a formula to allow the transfer of funds among amounts appropriated for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative.

~~((2) INSTITUTIONAL SERVICES~~  
General Fund--State Appropriation (FY 2002) \$ 46,773,000  
General Fund--State Appropriation (FY 2003) \$ 48,735,000  
General Fund--Federal Appropriation \$ 14,000  
General Fund--Private/Local Appropriation \$ 740,000  
Violence Reduction and Drug Enforcement Account--  
State Appropriation \$ 15,280,000  
TOTAL APPROPRIATION \$ 111,542,000

The appropriations in this subsection are subject to the following conditions and limitations: (19) \$40,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$84,000)~~ \$68,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted service providers.

~~((3) PROGRAM SUPPORT~~  
General Fund--State Appropriation (FY 2002) \$ 1,738,000  
General Fund--State Appropriation (FY 2003) \$ 1,765,000  
General Fund--Federal Appropriation \$ 307,000  
Juvenile Accountability Incentive Account--Federal  
Appropriation \$ 1,100,000  
Violence Reduction and Drug Enforcement Account--  
State Appropriation \$ 421,000  
TOTAL APPROPRIATION \$ 5,331,000))

(20) \$945,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for providing additional research-based services to the juvenile parole population. The juvenile rehabilitation administration shall consult with the institute for public policy in deciding which interventions to provide to the parole population.

(21) The juvenile rehabilitation administration shall continue to allot and expend funds provided in this section by the category and budget unit structure submitted to the legislative evaluation and accountability program committee.

Sec. 204. 2001 2nd sp. s. c 7 s 204 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2002) \$ <del>((491,089,000))</del>	194,566,000
General Fund--State Appropriation (FY 2003) \$ <del>((494,884,000))</del>	177,206,000
General Fund--Federal Appropriation \$ <del>((339,077,000))</del>	358,377,000
General Fund--Local Appropriation \$ <del>((4,363,000))</del>	25,596,000
Health Services Account--State Appropriation \$ 2,450,000	
TOTAL APPROPRIATION \$ <del>((731,863,000))</del>	758,195,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Regional support networks shall use portions of the general fund--state appropriation for implementation of working agreements with the vocational rehabilitation program which will maximize the use of federal funding for vocational programs.

(b) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and adult services program for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$388,000 of the general fund--state appropriation for fiscal year 2002, ~~(\$1,927,000)~~ \$2,829,000 of the general fund--state appropriation for fiscal year 2003, and ~~(\$2,349,000)~~ \$3,157,000 of the general fund--federal appropriation are provided solely for development and operation of community residential and support services for persons whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and who are clinically ready for discharge from a state psychiatric hospital. In the event that enough patients are not transitioned or diverted from the state hospitals to close at least two hospital wards by July 2002, and ~~((two))~~ four additional wards by April 2003, a proportional share of these funds shall be transferred to the appropriations in subsection (2) of this section to support continued care of the patients in the state hospitals. Primary responsibility and accountability for provision of appropriate community support for persons placed with these funds shall reside with the mental health program and the regional support networks, with partnership and active support from the alcohol and substance abuse and from the aging and adult services programs. The department shall negotiate performance-based incentive contracts ~~((with those regional support networks which have the most viable plans for providing appropriate community support services for significant numbers of persons from their area who would otherwise be served in the state hospitals))~~ to provide appropriate community support services for individuals leaving the state hospitals under this subsection. The department shall first seek to contract with regional support networks before offering a contract to any other party. The funds appropriated in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(d) At least \$1,000,000 of the federal block grant funding appropriated in this subsection shall be used for (i) initial development, training, and operation of the community support teams which will work with long-term state hospital residents prior and subsequent to their

return to the community; and (ii) development of support strategies which will reduce the unnecessary and excessive use of state and local hospitals for short-term crisis stabilization services. Such strategies may include training and technical assistance to community long-term care and substance abuse providers; the development of diversion beds and stabilization support teams; examination of state hospital policies regarding admissions; and the development of new contractual standards to assure that the statutory requirement that 85 percent of short-term detentions be managed locally is being fulfilled. The department shall report to the fiscal and policy committees of the legislature on the results of these efforts by November 1, 2001, and again by November 1, 2002.

(e) The department is authorized to implement a new formula for allocating available resources among the regional support networks. The distribution formula shall use the number of persons eligible for the state medical programs funded under chapter 74.09 RCW as the measure of the requirement for the number of acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed in accordance with RCW 71.24.035(13)(a). The new formula shall be phased in over a period of no less than six years. Furthermore, the department shall increase the medicaid capitation rates which a regional support network would otherwise receive under the formula by an amount sufficient to assure that total funding allocated to the regional support network in fiscal year 2002 increases by up to ~~((2-1))~~ 3.5 percent over the amount actually paid to that regional support network in fiscal year 2001, and by up to an additional ~~((2-3))~~ 5.0 percent in fiscal year 2003, if total funding to the regional support network would otherwise increase by less than those percentages under the new formula, and provided that the nonfederal share of the higher medicaid payment rate is provided by the regional support network from local funds.

(f) Within funds appropriated in this subsection, the department shall contract with the Clark county regional support network for development and operation of a project demonstrating collaborative methods for providing intensive mental health services in the school setting for severely emotionally disturbed children who are medicaid eligible. Project services are to be delivered by teachers and teaching assistants who qualify as, or who are under the supervision of, mental health professionals meeting the requirements of chapter 275-57 WAC. The department shall increase medicaid payments to the regional support network by the amount necessary to cover the necessary and allowable costs of the demonstration, not to exceed the upper payment limit specified for the regional support network in the department's medicaid waiver agreement with the federal government after meeting all other medicaid spending requirements assumed in this subsection. The regional support network shall provide the department with (i) periodic reports on project service levels, methods, and outcomes; and (ii) an intergovernmental transfer equal to the state share of the increased medicaid payment provided for operation of this project.

(g) The health services account appropriation is provided solely for implementation of strategies which the department and the affected regional support networks conclude will best assure continued availability of community-based inpatient psychiatric services in all areas of the state. Such strategies may include, but are not limited to, emergency contracts for continued operation of inpatient facilities otherwise at risk of closure because of demonstrated uncompensated care; start-up grants for development of evaluation and treatment facilities; and increases in the rate paid for inpatient psychiatric services for medically indigent and/or general assistance for the unemployed patients. The funds provided in this subsection must be: (i) Prioritized for use in those areas of the state which are at greatest risk of lacking sufficient inpatient psychiatric treatment capacity, rather than being distributed on a formula basis; (ii) prioritized for use by those hospitals which do not receive low-income disproportionate share hospital payments as of the date of application for funding; and (iii) matched on a one-quarter local, three-quarters state basis by funding from the regional support network or networks in the area in which the funds are expended. Payments from the amount provided in this subsection shall not be made to any provider that has not agreed that, except for prospective rate increases, the payment shall offset, on a dollar-for-dollar basis, any liability that may be established against, or any settlement that may be agreed to by the state, regarding the rate of state reimbursement for inpatient psychiatric care. The funds provided in this subsection shall not be considered "available resources" as defined in RCW 71.24.025 and are not subject to the distribution formula established pursuant to RCW 71.24.035.

(h) The department shall assure that no regional support network uses more than 8.0 percent of the state and federal funds received from appropriations in this subsection for regional support network administration.

(i) The department shall assure that each regional support network increases spending on direct client services in fiscal years 2002 and 2003 by at least the same percentage as the total state, federal, and local funds allocated to the regional support network in those years exceeds the amounts allocated to it in fiscal year 2001.

(j) The department shall reduce state funding otherwise payable to a regional support network in fiscal years 2002 and 2003 by the full amount by which the regional support network's reserves and fund balances as of December 31, 2001, exceed the required risk reserve for that regional support network. The required reserve amount shall be calculated by applying the risk reserve percentage specified in the department's contract with the regional support network to the total state and federal revenues for which the regional support network would otherwise be eligible in accordance with this subsection. As used in this subsection, "reserves" does not include capital project reserves established in accordance with state accounting and reporting standards before January 1, 2002.

(k) The department shall cooperate with the department of community, trade, and economic development to develop a proposal to create a structurally and functionally independent mental health ombudsman program. The proposal shall include recommendations about the statutory and administrative changes needed to establish a structurally and functionally independent ombudsman system. The departments shall report to the appropriate policy and fiscal committees of the legislature by November 1, 2002.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2002) \$ <del>((85,836,000))</del>	84,878,000
General Fund--State Appropriation (FY 2003) \$ <del>((83,001,000))</del>	80,784,000
General Fund--Federal Appropriation \$ <del>((139,098,000))</del>	139,821,000
General Fund--Private/Local Appropriation \$ <del>((29,289,000))</del>	29,532,000
TOTAL APPROPRIATION \$ <del>((337,224,000))</del>	335,015,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state mental hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) The mental health program at Western state hospital shall continue to use labor provided by the Tacoma prerelease program of the department of corrections.

(c) The department shall seek to reduce the census of the two state psychiatric hospitals by ~~((120))~~ 178 beds by April 2003 by arranging and providing community residential, mental health, and other support services for long-term state hospital patients whose treatment needs constitute substantial barriers to community placement and who no longer require active psychiatric treatment at an inpatient hospital level of care, no longer meet the criteria for inpatient involuntary commitment, and who are clinically ready for discharge from a state psychiatric hospital. No such patient is to move from the hospital until a team of community professionals has become familiar with the person and their treatment plan; assessed their strengths, preferences, and needs; arranged a safe, clinically-appropriate, and stable place for them to live; assured that other needed medical, behavioral, and social services are in place; and is contracted to monitor the person's

progress on an ongoing basis. The department and the regional support networks shall endeavor to assure that hospital patients are able to return to their area of origin, and that placements are not concentrated in proximity to the hospitals.

(d) For each month subsequent to the month in which a state hospital bed has been closed in accordance with (c) of this subsection, the mental health program shall transfer to the medical assistance program state funds equal to the state share of the monthly per capita expenditure amount estimated for categorically needy-disabled persons in the most recent forecast of medical assistance expenditures.

(e) The department shall report to the appropriate committees of the legislature by November 1, 2001, and by November 1, 2002, on its plans for and progress toward achieving the objectives set forth in (c) of this subsection.

### (3) CIVIL COMMITMENT

General Fund--State Appropriation (FY 2002) \$ <del>((20,037,000))</del>	18,267,000
General Fund--State Appropriation (FY 2003) \$ <del>((22,441,000))</del>	20,934,000
TOTAL APPROPRIATION \$ <del>((42,478,000))</del>	39,201,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) ~~(\$2,062,000)~~ \$1,587,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$3,698,000)~~ \$2,646,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for operational costs associated with a less restrictive step-down placement facility on McNeil Island.

(b) ~~(\$1,000,000)~~ \$300,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$1,000,000)~~ \$300,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for mitigation funding for jurisdictions affected by the placement of less restrictive alternative facilities for persons conditionally released from the special commitment center facility being constructed on McNeil Island. Of this amount, up to \$45,000 per year is provided for the city of Lakewood for police protection reimbursement at Western State Hospital and adjacent areas, up to \$45,000 per year is provided for training police personnel on chapter 12, Laws of 2001, 2nd sp. sess. (3ESSB 6151), up to \$125,000 per year is provided for Pierce county for reimbursement of additional costs, and the remaining amounts are for other documented costs by jurisdictions directly impacted by the placement of the secure community transition facility on McNeil Island. Pursuant to chapter 12, Laws of 2001, 2nd sp. sess (3ESSB 6151), the department shall continue to work with local jurisdictions towards reaching agreement for mitigation costs.

(c) By October 1, 2001, the department shall report to the office of financial management and the fiscal committees of the house of representatives and senate detailing information on plans for increasing the efficiency of staffing patterns at the new civil commitment center facility being constructed on McNeil Island.

(d) \$600,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the implementation of Substitute Senate Bill No. 6594 (secure community transition facilities). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

### (4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2002) \$ 444,000
General Fund--State Appropriation (FY 2003) \$ 443,000
General Fund--Federal Appropriation \$ 2,082,000
TOTAL APPROPRIATION \$ 2,969,000

### (5) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2002) \$ 3,104,000	
General Fund--State Appropriation (FY 2003) \$ <del>((3,231,000))</del>	3,111,000
General Fund--Federal Appropriation \$ <del>((5,796,000))</del>	5,659,000
TOTAL APPROPRIATION \$ <del>((12,131,000))</del>	11,874,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,000 of the general fund--state appropriation for fiscal year 2002, \$125,000 of the general fund--state appropriation for fiscal year 2003, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to evaluate the impacts of chapter 214, Laws of 1999 (mentally ill offenders), chapter 217, Laws of 2000 (atypical anti-psychotic medications), chapter 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$168,000 of the general fund--state appropriation for fiscal year 2002, \$243,000 of the general fund--state appropriation for fiscal year 2003, and \$411,000 of the general fund--federal appropriation are provided solely for the development and implementation of a uniform outcome-oriented performance measurement system to be used in evaluating and managing the community mental health service delivery system consistent with the recommendations contained in the joint legislative audit and review committee's audit of the public mental health system. Once implemented, the use of performance measures will allow comparison of measurement results to established standards and benchmarks among regional support networks, service providers, and against other states. The department shall provide a report to the appropriate committees of the legislature on the development and implementation of the use of performance measures by October 2002.

(c) \$125,000 of the general fund--state appropriation for fiscal year 2002, \$125,000 of the general fund--state appropriation for fiscal year 2003, and \$250,000 of the general fund--federal appropriation are provided solely for a study of the prevalence of mental illness among the state's regional support networks and the appropriate allocation of state hospital beds among the networks. The prevalence study shall examine how reasonable estimates of the prevalence of mental illness relate to the incidence of persons enrolled in medical assistance programs in each regional support network area. In conducting ~~((this))~~ the prevalence study, the department shall consult with the joint legislative audit and review committee, regional support networks, community mental health providers, and mental health consumer representatives. The department shall submit a final report on ~~((the))~~ the findings of the prevalence study to the fiscal, health care, and human services committees of the legislature by November 1, 2003. In preparing the report on allocation of state hospital beds, the department shall: (i) Utilize the most current and reliable applicable academic research, and shall consult with academic and other national experts on mental health inpatient care; (ii) estimate the relative need for short-term and long-term inpatient psychiatric care in each of the state's regions, based on the factors that the experts identify as the best predictors of need, including geographic proximity to the hospitals; and (iii) identify options for changing the current distribution of state hospital beds among the regional support networks. This report shall be prepared in consultation with representatives of people with mental illness and the regional support networks, and shall be submitted to appropriate committees of the legislature. The department shall maintain the same relative allocation of budgeted, nonforensic state hospital beds among the regional support networks as was in effect during fiscal year 2002 until at least thirty days after adjournment of the first

regular legislative session following submission of the report on the appropriate allocation of these beds. This subsection does not prohibit the replacement of current state hospital beds with community alternatives as provided elsewhere in this section.

Sec. 205. 2001 2nd sp.s. c 7 s 205 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM**

(1) COMMUNITY SERVICES	
General Fund--State Appropriation (FY 2002) \$ ((231,693,000))	233,705,000
General Fund--State Appropriation (FY 2003) \$ ((242,347,000))	255,415,000
General Fund--Federal Appropriation \$ ((396,151,000))	405,773,000
Health Services Account--State Appropriation \$ ((741,000))	903,000
TOTAL APPROPRIATION \$ ((870,932,000))	895,796,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The legislature finds that comprehensive reform of the developmental disabilities program is required. Recent audits and litigation indicate a need to improve the quality of program data, strengthen program and fiscal management, and clarify the criteria and determination of eligibility for services. Additional resources are also needed to expand access to community services. The appropriations in this section are intended to address the most urgent needs while strengthening program and fiscal accountability. The department shall provide monthly progress reports to the appropriate committees of the legislature on actions taken in three areas: The implementation of expanded services, the development and implementation of a new home and community based medicaid waiver, and improvements in program and fiscal management.

(b) \$10,050,000 of the fiscal year 2003 general fund--state appropriation and \$3,550,000 of the general fund--federal appropriation are provided solely for expanded access to community services. A total of \$7,800,000 is provided for additional residential services for persons on the home and community based waiver. A total of \$3,600,000 is provided for family support and high school transition. A total of \$2,700,000 is provided between this subsection and subsection (3) of this section for staffing and other costs to improve oversight of quality of care, program management, and fiscal management. New funding for family support and high school transition along with a portion of existing funding for these programs shall be provided as supplemental security income (SSI) state supplemental payments. The legislature finds that providing cash assistance to individuals and families needing these supports promotes self-determination and independence. It is the intent of the legislature that the department shall comply with federal requirements to maintain aggregate funding for SSI state supplemental payments while promoting self-determination and independence for persons with developmental disabilities in families with taxable incomes at or below 150 percent of median family income. Individuals receiving family support or high school transition payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments. These amounts and the specified expansion of community services are intended to be the fiscal component of the negotiated settlement in the pending litigation on developmental disabilities services, *ARC v. Quasim*.

(c) The health services account appropriation and ((753,000)) \$904,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers with family incomes below 200 percent of the federal poverty level who are employed through state contracts for twenty hours per week or more. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

((b)) (d) \$902,000 of the general fund--state appropriation for fiscal year 2002, \$3,372,000 of the general fund--state appropriation for fiscal year 2003, and \$4,056,000 of the general fund--federal appropriation are provided solely for community services for residents of residential habilitation centers (RHCs) who are able to be adequately cared for in community settings and who choose to live in those community settings. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$280. If the number and timing of residents choosing to move into community settings is not sufficient to achieve the RHC cottage consolidation plan assumed in the appropriations in subsection (2) of this section, the department shall transfer sufficient appropriations from this subsection to subsection (2) of this section to cover the added costs incurred in the RHCs. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of residents moving into community settings and the actual expenditures for all community services to support those residents.

((e) \$1,440,000) (e) \$1,153,000 of the general fund--state appropriation for fiscal year 2002, ((3,041,000)) \$3,054,000 of the general fund--state appropriation for fiscal year 2003, and ((4,311,000)) \$4,031,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues or are diverted or discharged from state psychiatric hospitals. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$275. The department shall report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

((d) \$1,005,000 of the general fund--state appropriation for fiscal year 2002, \$2,262,000 of the general fund--state appropriation for fiscal year 2003, and \$2,588,000 of the general fund--federal appropriation are provided solely for increasing case/resource management resources to improve oversight and quality of care for persons enrolled in the medicaid home and community services waiver for persons with developmental disabilities.) (f) The department shall not increase total enrollment in home and community based waivers for persons with developmental disabilities except for ((increases)) changes assumed in additional funding provided in subsections (b) ((and (e))), (d), and (e) of this section.

Prior to submitting to the health care financing authority any additional home and community based waiver request for persons with developmental disabilities, the department shall submit a summary of the waiver request to the appropriate committees of the legislature. The summary shall include eligibility criteria, program description, enrollment projections and limits, and budget and cost effectiveness projections that distinguish the requested waiver from other existing or proposed waivers.

((e)) (g) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for employment, or other day activities and training programs, for young adults with developmental disabilities who complete their high school curriculum in 2001 or 2002. These services are intended to assist with the transition to work and more independent living. Funding shall be used to the greatest extent possible for vocational rehabilitation services matched with federal funding. In recent years, the state general fund appropriation for employment and day programs has been underspent. These surpluses, built into the carry forward level budget, shall be redeployed for high school transition services.

((f)) (h) \$369,000 of the fiscal year 2002 general fund--state appropriation and \$369,000 of the fiscal year 2003 general fund--state appropriation are provided solely for continuation of the autism pilot project started in 1999.

((g)) (i) \$4,049,000 of the general fund--state appropriation for fiscal year 2002, \$1,734,000 of the general fund--state appropriation for fiscal year 2003, and \$5,369,000 of the general fund--federal appropriation are provided solely to increase compensation by an average of fifty cents per hour for low-wage workers providing state-funded services to persons with developmental disabilities.

These funds, along with funding provided for vendor rate increases, are sufficient to raise wages an average of fifty cents and cover the employer share of unemployment and social security taxes on the amount of the wage increase. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002.

(j) \$1,310,000 of the general fund--state appropriation for fiscal year 2003 and \$1,207,000 of the general fund--federal appropriation are provided solely for an increase of twenty-five cents per hour on October 1, 2002, for individual and agency home care workers who provide state-funded services to persons with developmental disabilities. The amount provided in this section also includes the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase required by this subsection. The wage increases for individual providers required by this subsection are subject to the collective bargaining provisions of Initiative Measure No. I-775 (chapter 3, Laws of 2002).

(2) INSTITUTIONAL SERVICES	
General Fund--State Appropriation (FY 2002) \$ <del>((71,977,000))</del>	69,375,000
General Fund--State Appropriation (FY 2003) \$ <del>((69,303,000))</del>	68,203,000
General Fund--Federal Appropriation \$ <del>((145,641,000))</del>	145,672,000
General Fund--Private/Local Appropriation \$ <del>((10,230,000))</del>	11,230,000
TOTAL APPROPRIATION \$ <del>((297,151,000))</del>	294,480,000

The appropriations in this subsection are subject to the following conditions and limitations: Pursuant to RCW 71A.12.160, if residential habilitation center capacity is not being used for permanent residents, the department ~~((may))~~ shall make residential habilitation center vacancies available for respite care and any other services needed to care for clients who are not currently being served in a residential habilitation center and whose needs require staffing levels similar to current residential habilitation center residents. Providing respite care shall not impede the department's ability to consolidate cottages, and maintain expenditures within allotments, as assumed in the appropriations in this subsection.

(3) PROGRAM SUPPORT	
General Fund--State Appropriation (FY 2002) \$ <del>((2,601,000))</del>	1,711,000
General Fund--State Appropriation (FY 2003) \$ <del>((2,623,000))</del>	2,007,000
General Fund--Federal Appropriation \$ <del>((2,413,000))</del>	2,612,000
Telecommunications Devices for the Hearing and Speech Impaired Account Appropriation \$ 1,767,000	
TOTAL APPROPRIATION \$ <del>((7,637,000))</del>	8,097,000

The appropriations in this subsection are subject to the following conditions and limitations:  
 (a) \$270,000 of the fiscal year 2003 general fund--state appropriation and \$170,000 of the general fund--federal appropriation are provided solely for improved fiscal management of the home and community-based waiver and other community services.  
 (b) ~~(((\$50,000 of the fiscal year 2002 general fund--state appropriation and \$50,000 of the fiscal year 2003 general fund--state appropriation are))~~ \$100,000 of the telecommunications devices for the hearing and speech impaired account appropriation is provided solely for increasing the contract amount for the southeast Washington deaf and hard of hearing services center due to increased workload.

(4) SPECIAL PROJECTS	
General Fund--Federal Appropriation \$ 11,995,000	

**Sec. 206.** 2001 2nd sp.s. c 7 s 206 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002) \$ <del>((518,911,000))</del>	505,983,000
General Fund--State Appropriation (FY 2003) \$ <del>((537,907,000))</del>	513,154,000
General Fund--Federal Appropriation \$ <del>((1,078,417,000))</del>	1,053,299,000
General Fund--Private/Local Appropriation \$ <del>((4,324,000))</del>	11,803,000
Health Services Account--State Appropriation \$ 4,523,000	
TOTAL APPROPRIATION \$ <del>((2,144,082,000))</del>	2,088,762,000

The appropriations in this section are subject to the following conditions and limitations:  
 (1) The entire health services account appropriation, \$1,210,000 of the general fund--state appropriation for fiscal year 2002, \$1,423,000 of the general fund--state appropriation for fiscal year 2003, and \$6,794,000 of the general fund--federal appropriation are provided solely for health care benefits for home care workers who are employed through state contracts for at least twenty hours per week. Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan, and only for persons with incomes below 200 percent of the federal poverty level. Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits.

(2) \$1,706,000 of the general fund--state appropriation for fiscal year 2002 and \$1,706,000 of the general fund--state appropriation for fiscal year 2003, plus the associated vendor rate increase for each year, are provided solely for operation of the volunteer chore services program.

(3) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall be no more than \$128.79 for fiscal year 2002, and no more than ~~(\$134.45)~~ \$132.58 for fiscal year 2003. For all facilities, the therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions by 2.1 percent effective July 1, 2001, and by an additional ~~((2.3))~~ 1.5 percent effective July 1, 2002. For case-mix facilities, direct care component rates established in accordance with chapter 74.46 RCW shall also be adjusted for economic trends and conditions by 2.1 percent effective July 1, 2001, and by an additional 2.3 percent effective July 1, 2002. Additionally, to facilitate the transition to a fully case-mix based direct care payment system, the median price per case-mix unit for each of the applicable direct care peer groups shall be increased on a one-time basis by 2.64 percent effective July 1, 2002.

(4) In accordance with Substitute House Bill No. 2242 (nursing home rates), the department shall issue certificates of capital authorization which result in up to \$10 million of increased asset value completed and ready for occupancy in fiscal year 2003; in up to \$27 million of increased asset value completed and ready for occupancy in fiscal year 2004; and in up to \$27 million of increased asset value completed and ready for occupancy in fiscal year 2005.

(5) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(6) Within funds appropriated in this section and in section 204 of this act, the aging and adult services program shall coordinate with and actively support the efforts of the mental health program and of the regional support networks to provide stable community living arrangements for persons with dementia and traumatic brain injuries who have been long-term residents of the state psychiatric hospitals. The aging and adult services program shall report to the health care and fiscal committees of the legislature by November 1, 2001, and by November 1, 2002, on the actions it has taken to achieve this objective.

(7) Within funds appropriated in this section and in section 204 of this act, the aging and adult services program shall devise and implement strategies in partnership with the mental health program and the regional support networks to reduce the use of state and local psychiatric hospitals for the short-term stabilization of persons with dementia and traumatic brain injuries. Such strategies may include training and technical assistance to help long-term care providers avoid and manage behaviors which might otherwise result in psychiatric hospitalizations; monitoring long-term care facilities to assure residents are receiving appropriate mental health care and are not being inappropriately medicated or hospitalized; the development of diversion beds and stabilization support teams; and the establishment of systems to track the use of psychiatric hospitals by long-term care providers. The aging and adult services program shall report to the health care and fiscal committees of the legislature by November 1, 2001, and by November 1, 2002, on the actions it has taken to achieve this objective.

(8) In accordance with Substitute House Bill No. 1341, the department may implement ~~((two))~~ a medicaid waiver program~~((s))~~ for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) ~~((One))~~ The waiver program shall include coverage of ~~((home-based services, and the second shall include coverage of))~~ care in community residential facilities. ~~((Enrollment in the waiver covering home-based services shall not exceed 150 persons by the end of fiscal year 2002, nor 200 persons by the end of fiscal year 2003.))~~ Enrollment in the waiver ~~((covering community residential services))~~ shall not exceed ~~((500))~~ 50 persons by the end of fiscal year 2002, nor ~~((900))~~ 600 persons by the end of fiscal year 2003.

(b) For each month of waiver service delivered to a person who was not covered by medicaid prior to their enrollment in the waiver, the aging and adult services program shall transfer to the medical assistance program state and federal funds equal to the monthly per capita expenditure amount, net of drug rebates, estimated for medically needy-aged persons in the most recent forecast of medical assistance expenditures.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on ~~((each of))~~ the ~~((two))~~ medically needy waiver~~((s))~~, on monthly management reports.

(d) The department shall track and report to health care and fiscal committees of the legislature by November 15, 2002, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waiver, how those services were being paid for, and an assessment of their adequacy.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for payments to any nursing facility licensed under chapter 18.51 RCW which meets all of the following criteria: (a) The nursing home entered into an arm's length agreement for a facility lease prior to January 1, 1980; (b) the lessee purchased the leased nursing home after January 1, 1980; and (c) the lessor defaulted on its loan or mortgage for the assets of the home after January 1, 1991, and prior to January 1, 1992. Payments provided pursuant to this subsection shall not be subject to the settlement, audit, or rate-setting requirements contained in chapter 74.46 RCW.

(10) \$364,000 of the general fund--state appropriation for fiscal year 2002, \$364,000 of the general fund--state appropriation for fiscal year 2003, and \$740,000 of the general fund--federal appropriation are provided solely for payment of exceptional care rates so that persons with Alzheimer's disease and related dementias who might otherwise require nursing home or state hospital care can instead be served in boarding home-licensed facilities which specialize in the care of such conditions.

(11) From funds appropriated in this section, the department shall increase compensation for individual and for agency home care providers. Payments to individual home care providers are to be increased from \$7.18 per hour to \$7.68 per hour on July 1, 2001, and to \$7.93 per hour on October 1, 2002. Payments to agency providers are to be increased to \$13.30 per hour on July 1, 2001, and to \$13.44 per hour on July 1, 2002, and to \$13.72 on October 1, 2002. All but 18 cents per hour of the July 1, 2001, increase to agency providers, and all but 3 cents per hour of the October 1, 2002, increase, is to be used to increase wages for direct care workers. The appropriations in this section also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase required by this subsection. The October 1, 2002, wage increases for individual providers are subject to the collective bargaining provisions of Initiative Measure No. 775 (chapter 3, Laws of 2002).

(12) \$2,507,000 of the general fund--state appropriation for fiscal year 2002, \$2,595,000 of the general fund--state appropriation for fiscal year 2003, and \$5,100,000 of the general fund--federal appropriation are provided solely for prospective rate increases intended to increase compensation by an average of fifty cents per hour for low-wage workers in agencies which contract with the state to provide community residential services for persons with functional disabilities. In consultation with the statewide associations representing such agencies, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002. The amounts in this subsection also include the funds needed for the employer share of unemployment and social security taxes on the amount of the wage increase.

(13) \$1,082,000 of the general fund--state appropriation for fiscal year 2002, \$1,082,000 of the general fund--state appropriation for fiscal year 2003, and \$2,204,000 of the general fund--federal appropriation are provided solely for prospective rate increases intended to increase compensation for low-wage workers in nursing homes which contract with the state. For fiscal year 2002, the department shall add forty-five cents per patient day to the direct care rate which would otherwise be paid to each nursing facility in accordance with chapter 74.46 RCW. For fiscal year 2003, the department shall increase the median price per case-mix unit for each of the applicable peer groups by six-tenths of one percent in order to distribute the available funds. In consultation with the statewide associations representing nursing

facilities, the department shall establish a mechanism for testing the extent to which funds have been used for this purpose, and report the results to the fiscal committees of the legislature by February 1, 2002, and by December 1, 2002.

**Sec. 207.** 2001 2nd sp.s. c 7 s 207 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002) \$ ((436,440,000))	<u>442,984,000</u>
General Fund--State Appropriation (FY 2003) \$ ((424,870,000))	<u>394,974,000</u>
General Fund--Federal Appropriation \$ ((1,356,351,000))	<u>1,359,505,000</u>
General Fund--Private/Local Appropriation \$ ((31,788,000))	<u>33,880,000</u>
TOTAL APPROPRIATION \$ ((2,249,449,000))	<u>2,231,343,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$282,081,000)~~ \$281,035,000 of the general fund--state appropriation for fiscal year 2002, ~~(\$278,277,000)~~ \$277,231,000 of the general fund--state appropriation for fiscal year 2003, \$1,254,197,000 of the general fund--federal appropriation, and ~~(\$29,352,000)~~ \$31,444,000 of the general fund--local appropriation are provided solely for the WorkFirst program and child support operations. WorkFirst expenditures include TANF grants, diversion services, subsidized child care, employment and training, other WorkFirst related services, allocated field services operating costs, and allocated economic services program administrative costs. Within the amounts provided in this subsection, the department shall:

(a) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Valid outcome measures of job retention and wage progression shall be developed and reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. An increased attention to job retention and wage progression is necessary to emphasize the legislature's goal that the WorkFirst program succeed in helping recipients gain long-term economic independence and not cycle on and off public assistance. The wage progression measure shall report the median percentage increase in quarterly earnings and hourly wage after 12 months, 24 months, and 36 months. The wage progression report shall also report the percent with earnings above one hundred percent and two hundred percent of the federal poverty level. The report shall compare former WorkFirst participants with similar workers who did not participate in WorkFirst. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months.

(b) Develop informational materials that educate families about the difference between cash assistance and work support benefits. These materials must explain, among other facts, that the benefits are designed to support their employment, that there are no time limits on the receipt of work support benefits, and that immigration or residency status will not be affected by the receipt of benefits. These materials shall be posted in all community service offices and distributed to families. Materials must be available in multiple languages. When a family leaves the temporary assistance for needy families program, receives cash diversion assistance, or withdraws a temporary assistance for needy families application, the department of social and health services shall educate them about the difference between cash assistance and work support benefits and offer them the opportunity to begin or to continue receiving work support benefits, so long as they are eligible. The department shall provide this information through in-person interviews, over the telephone, and/or through the mail. Work support benefits include food stamps, medicaid for all family members, medicaid or state children's health insurance program for children, and child care assistance. The department shall report annually to the legislature the number of families who have had exit interviews, been reached successfully by phone, and been sent mail. The report shall also include the percentage of families who elect to continue each of the benefits and the percentage found ineligible by each substantive reason code. A substantive reason code shall not be "other." The report shall identify barriers to informing families about work support benefits and describe existing and future actions to overcome such barriers.

(c) From the amounts provided in this subsection, provide \$50,000 from the general fund--state appropriation for fiscal year 2002 and \$50,000 from the general fund--state appropriation for fiscal year 2003 to the Washington institute for public policy for continuation of the WorkFirst evaluation database.

(d) Submit a report by December 1, 2001, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2001-2003 biennium will be adjusted by June 30, 2003, to be sustainable within available federal grant levels and the carryforward level of state funds.

(e) Reduce funding contracted to the department of employment security in order to maintain funding for drug and alcohol treatment services designed to help TANF parents enter the job market and keep their jobs.

(f) Provide \$878,000 of the general fund--federal appropriation for the comprehensive alcohol and drug treatment project.

(g) Allocate no more than \$5,800,000 of the general fund--federal appropriation for job search and job placement services operated by the department of employment security.

(h) Eliminate funding contracted to the department of employment security for the WorkFirst post-employment labor exchange program.

(i) Provide \$900,000 of the general fund--federal appropriation for indigent civil legal services.

(j) Increase childcare subsidy co-payments by no more than \$2 per co-payment.

(k) Provide an additional \$4,500,000 of the general fund--federal appropriation for community and technical colleges to fund parenting and family management skills development, other training programs, and enhanced childcare rates for families in those programs.

(l) Provide an additional \$300,000 of the general fund--federal appropriation for after school programs for middle school youth.

(m) Provide \$3,400,000 of the general fund--federal appropriation to the department of health for contracted services with local public health nurses to provide consultation and training to childcare providers caring for children with special needs.

(n) Provide \$1,000,000 of the general fund--federal appropriation to contract out to a non-profit organization that provides hometown and college mentoring services and programs for low-income youth for the purposes of encouraging long-term self-sufficiency and family formation.

(2) ~~(\$48,341,000)~~ \$54,623,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$48,341,000)~~ \$44,431,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts, the department may expend funds for services that assist recipients to reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided.

(3) \$5,632,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$5,632,000)~~ \$4,032,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the food assistance program for legal immigrants. The level of benefits shall be equivalent to the benefits provided by the federal food stamp program.

(4) \$48,000 of the general fund--state appropriation for fiscal year 2002 is provided solely to implement chapter 111, Laws of 2001 (veterans/Philippines).

(5) The department shall apply the provisions of RCW 74.04.005(10) to simplify resource eligibility policy, make such policy consistent with other federal public assistance programs, and achieve the budgetary savings assumed in this section.

(6) It is the intent of the legislature that the department shall comply with federal requirements to maintain aggregate funding for supplemental security income (SSI) supplemental payments. Within the amount remaining in this section, SSI supplemental payments shall be used for current SSI recipients who have ineligible spouses.

**Sec. 208.** 2001 2nd sp.s. c 7 s 208 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM**

General Fund--State Appropriation (FY 2002) \$ ((38,047,000))	<u>35,851,000</u>
General Fund--State Appropriation (FY 2003) \$ ((38,938,000))	<u>37,022,000</u>
General Fund--Federal Appropriation \$ ((91,695,000))	<u>91,549,000</u>
General Fund--Private/Local Appropriation \$ 723,000	
Public Safety and Education Account--State Appropriation \$ ((13,733,000))	<u>13,427,000</u>
Violence Reduction and Drug Enforcement Account-- State Appropriation \$ ((52,510,000))	<u>52,306,000</u>
TOTAL APPROPRIATION \$ ((235,646,000))	<u>230,878,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$1,610,000~~)) \$810,000 of the general fund--state appropriation for fiscal year 2002 and \$1,622,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for expansion of 35 drug and alcohol treatment beds for persons committed under RCW 70.96A.140. Patients meeting the commitment criteria of RCW 70.96A.140 but who voluntarily agree to treatment in lieu of commitment shall also be eligible for treatment in these additional treatment beds. The department shall develop specific placement criteria for these expanded treatment beds to ensure that this new treatment capacity is prioritized for persons incapacitated as a result of chemical dependency and who are also high utilizers of hospital services. These additional treatment beds shall be located in the eastern part of the state.

(2) ((~~\$2,800,000~~)) \$1,000,000 of the public safety and education account--state appropriation is provided solely for expansion of treatment for persons gravely disabled by abuse and addiction to alcohol and other drugs including methamphetamine.

(3) \$1,083,000 of the public safety and education account--state appropriation ((~~is~~)) and \$75,000 of the violence reduction and drug enforcement account--state appropriation are provided solely for adult and juvenile drug courts that have a net loss of federal grant funding in state fiscal year 2002 and state fiscal year 2003. This appropriation is intended to cover approximately one-half of lost federal funding. ((It is the intent of the legislature to provide state assistance to counties to cover a part of lost federal funding for drug courts for a maximum of three years.))

(4) \$1,993,000 of the public safety and education account--state appropriation and \$951,000 of the general fund--federal appropriation are provided solely for drug and alcohol treatment for SSI clients. The department shall continue research and post-program evaluation of these clients to further determine the post-treatment utilization of medical services and the service effectiveness of consolidation.

(5) \$500,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2003 is provided solely for the department to provide treatment for pathological gambling or training for the treatment of pathological gambling under Second Substitute Senate Bill No. 6560 (shared game lottery). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(6) Within the amounts appropriated in this section, funding is provided to implement Second Substitute House Bill No. 2338 or Substitute Senate Bill No. 6361 (drug offender sentencing).

**Sec. 209.** 2001 2nd sp.s. c 7 s 209 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2002) \$ ((1,028,885,000))	<u>1,081,150,000</u>
General Fund--State Appropriation (FY 2003) \$ ((1,130,904,000))	<u>1,124,758,000</u>
General Fund--Federal Appropriation \$ ((3,637,511,000))	<u>3,621,077,000</u>
General Fund--Private/Local Appropriation \$ ((276,147,000))	<u>211,272,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$ 9,200,000	
Health Services Account--State Appropriation \$ ((1,043,310,000))	<u>1,104,119,000</u>
TOTAL APPROPRIATION \$ ((7,125,957,000))	<u>7,151,576,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall increase its efforts to restrain the growth of health care costs. The appropriations in this section anticipate that the department implements a combination of cost containment and utilization strategies sufficient to reduce general fund--state costs by approximately 3 percent below the level projected for the 2001-03 biennium in the March 2001 forecast. The department shall report to the fiscal committees of the legislature by October 1, 2001, on its specific plans and semiannual targets for accomplishing these savings. The department shall report again to the fiscal committees by March 1, 2002, and by September 1, 2002, on actual performance relative to the semiannual targets. If satisfactory progress is not being made to achieve the targeted savings, the reports shall include recommendations for additional or alternative measures to control costs.

(2) The department shall continue to extend medicaid eligibility to children through age 18 residing in households with incomes below 200 percent of the federal poverty level.

(3) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(4) \$502,000 of the health services account appropriation, \$400,000 of the general fund--private/local appropriation, and \$1,676,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1058 (breast and cervical cancer treatment). If the bill is not enacted by June 30, 2001, or if private funding is not contributed equivalent to the general fund--private/local appropriation, the funds appropriated in this subsection shall lapse.

(5) \$620,000 of the health services account appropriation for fiscal year 2002, \$1,380,000 of the health services account appropriation for fiscal year 2003, and \$2,000,000 of the general fund--federal appropriation are provided solely for implementation of a "ticket to work" medicaid buy-in program for working persons with disabilities, operated in accordance with the following conditions:

(a) To be eligible, a working person with a disability must have total income which is less than 450 percent of poverty;

(b) Participants shall participate in the cost of the program by paying (i) a monthly enrollment fee equal to fifty percent of any unearned income in excess of the medicaid medically needy standard; and (ii) a monthly premium equal to 5 percent of all unearned income, plus 5 percent of all earned income after disregarding the first sixty-five dollars of monthly earnings, and half the remainder;

(c) The department shall establish more restrictive eligibility standards than specified in this subsection to the extent necessary to operate the program within appropriated funds;

(d) The department may require point-of-service copayments as appropriate, except that copayments shall not be so high as to discourage appropriate service utilization, particularly of prescription drugs needed for the treatment of psychiatric conditions; and

(e) The department shall establish systems for tracking and reporting enrollment and expenditures in this program, and the prior medical assistance eligibility status of new program enrollees. The department shall additionally survey the prior and current employment status and approximate hours worked of program enrollees, and report the results to the fiscal and health care committees of the legislature by January 15, 2003.

(6) From funds appropriated in this section, the department shall design, implement, and evaluate pilot projects to assist individuals with at least three different diseases to improve their health, while reducing total medical expenditures. The projects shall involve (a) identifying persons who are seriously or chronically ill due to a combination of medical, social, and functional problems; and (b) working with the individuals and their care providers to improve adherence to state-of-the-art treatment regimens. The department shall report to the health care and the fiscal committees of the legislature by January 1, 2002, on the particular disease states, intervention protocols, and delivery mechanisms it proposes to test.

(7) Sufficient funds are appropriated in this section for the department to continue full-scope dental coverage, vision coverage, and podiatry services for medicaid-eligible adults.

(8) The legislature reaffirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(9) \$80,000 of the general fund--state appropriation for fiscal year 2002, \$80,000 of the general fund--state appropriation for fiscal year 2003, and \$160,000 of the general fund--federal appropriation are provided solely for the newborn referral program to provide access and outreach to reduce infant mortality.

(10) \$30,000 of the general fund--state appropriation for fiscal year 2002, \$31,000 of the general fund--state appropriation for fiscal year 2003, and \$62,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 6020 (dental sealants). If Substitute Senate Bill No. 6020 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(11) In accordance with RCW 74.46.625, ~~(((\$376,318,000))~~ \$523,600,000 of the health services account appropriation ~~((for fiscal year 2002, \$144,896,000 of the health services account appropriation for fiscal year 2003, and \$542,089,000))~~ and \$530,585,000 of the general fund--federal appropriation are provided solely for supplemental payments to nursing homes operated by rural public hospital districts. The payments shall be conditioned upon (a) a contractual commitment by the association of public hospital districts and participating rural public hospital districts to make an intergovernmental transfer to the state treasurer, for deposit into the health services account, equal to at least 98 percent of the supplemental payments; and (b) a contractual commitment by the participating districts to not allow expenditures covered by the supplemental payments to be used for medicaid nursing home rate-setting. The participating districts shall retain no more than a total of \$20,000,000 for the 2001-03 biennium. If the medicare upper payment limit revenues referenced in this subsection are not received in an amount or within a time frame sufficient to support spending from the health services account, the governor shall take actions in accordance with RCW 43.88.110(8).

(12) ~~(((\$38,690,000))~~ \$38,766,000 of the health services account appropriation for fiscal year 2002, ~~(((\$40,189,000))~~ \$40,494,000 of the health services account appropriation for fiscal year 2003, and ~~(((\$80,241,000))~~ \$79,839,000 of the general fund--federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts.

~~((a))~~ The payments shall be conditioned upon a contractual commitment by the participating public hospital districts to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. At least 28 percent of the amounts retained by the participating hospital districts shall be allocated to the state's teaching hospitals.

~~((b) An additional 4.5 percent of the additional payments may be retained by the participating public hospital districts contingent upon the receipt of \$446,500,000 in newly identified proshare reimbursement from the federal government over the 2001-03 biennium. If the actual amount received is less than \$446,500,000, the amount retained pursuant to this subsection (12)(b) shall be prorated accordingly. The state teaching hospitals shall receive a distribution of the amount retained by the participating hospital districts in this subsection (12)(b) as allocated in (a) of this subsection.)~~

(13) \$412,000 of the general fund--state appropriation for fiscal year 2002, \$862,000 of the general fund--state appropriation for fiscal year 2003, and \$730,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1162 (small rural hospitals). If Substitute House Bill No. 1162 is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(14) The department may continue to use any federal money available to continue to provide medicaid matching funds for funds contributed by local governments for purposes of conducting eligibility outreach to children and underserved groups. The department shall ensure cooperation with the anticipated audit of the school districts' matchable expenditures for this program and advise the appropriate legislative fiscal committees of the findings.

(15) The department shall coordinate with the health care authority and with community and migrant health clinics to actively assist children and immigrant adults not eligible for medicaid to enroll in the basic health plan.

(16) \$8,500,000 of the general fund--state appropriation for fiscal year 2002, or so much thereof as may be necessary, is provided solely for settlement of *Providence St. Peter's Hospital et al. vs. Department of Social and Health Services*.

(17) In consultation and coordination with the department of health, the department shall establish mechanisms to assure that the AIDS insurance program operates within budgeted levels. Such mechanisms shall include a system under which the state's contribution to the cost of coverage is adjusted on a sliding-scale basis.

(18) The department shall implement an academic detailing program that educates prescribers on the availability of generic versions of off-patent brand drugs. To the extent the net cost of generics, after accounting for rebates, is less than the off-patent drug, generics will be substituted, with the prescriber's approval, consistent with criteria developed by the department in consultation with the state medical association and the state pharmacists association.

(19) Within available resources, the department shall design and initiate a general assistance medical care management project in two counties, one in eastern Washington and one in western Washington. In designing the project, the department shall consult with the mental health division, migrant and community health centers, and any other managed care provider that has the capacity to offer coordinated medical and mental health care. The projects shall be designed in such a way that a designated provider network is established for general assistance clients so that care management can be maximized. The department shall report on the design of the pilot project to the policy and fiscal committees of the legislature by October 15, 2002.

Sec. 210. 2001 2nd sp.s. c 7 s 210 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM**

General Fund--State Appropriation (FY 2002) \$ ((11,309,000))	11,135,000
General Fund--State Appropriation (FY 2003) \$ ((9,780,000))	9,385,000
General Fund--Federal Appropriation \$ ((83,738,000))	82,235,000
General Fund--Private/Local Appropriation \$ 360,000	
TOTAL APPROPRIATION \$ ((105,187,000))	103,115,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The division of vocational rehabilitation shall negotiate cooperative interagency agreements with state and local organizations to improve and expand employment opportunities for people with severe disabilities.

(2) The department shall actively assist participants in the employment support services program to obtain other employment or training opportunities over the course of fiscal year 2003.

Sec. 211. 2001 2nd sp.s. c 7 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM**

General Fund--State Appropriation (FY 2002) \$ ((30,444,000))	30,419,000
General Fund--State Appropriation (FY 2003) \$ ((29,369,000))	22,419,000
General Fund--Federal Appropriation \$ ((50,562,000))	47,135,000
General Fund--Private/Local Appropriation \$ 810,000	
TOTAL APPROPRIATION \$ ((111,185,000))	100,783,000

The appropriations in this section are subject to the following conditions and limitations:

(1) By November 1, 2001, the secretary shall report to the fiscal committees of the legislature on the actions the secretary has taken, or proposes to take, within current funding levels to resolve the organizational problems identified in the department's February 2001 report to the legislature on current systems for billing third-party payers for services delivered by the state psychiatric hospitals. The secretary is authorized to transfer funds from this section to the mental health program to the extent necessary to achieve the organizational improvements recommended in that report.

(2) By November 1, 2001, the department shall report to the fiscal committees of the legislature with the least costly plan for assuring that billing and accounting technologies in the state psychiatric hospitals adequately and efficiently comply with standards set by third-party payers. The plan shall be developed with participation by and oversight from the office of financial management, the department's information systems services division, and the department of information services.

(3) The department shall reconstitute the payment integrity program to place greater emphasis upon the prevention of future billing errors, ensure billing and administrative errors are treated in a manner distinct from allegations of fraud and abuse, and shall rename the program. In keeping with this revised focus, the department shall also increase to one thousand dollars the cumulative total of apparent billing errors allowed before a provider is contacted for repayment.

(4) By September 1, 2001, the department shall report to the fiscal committees of the legislature results from the payment review program. The report shall include actual costs recovered and estimated costs avoided for fiscal year 2001 and the costs incurred by the department to administer the program. The report shall document criteria and methodology used for determining avoided costs. In addition, the department shall seek input from health care providers and consumer organizations on modifications to the program. The department shall provide annual updates to the report to the fiscal committees of the legislature by September 1st of each year for the preceding fiscal year.

(5) The department shall implement reductions in administrative expenditures assumed in these appropriations that achieve ongoing savings, reduce duplicative and redundant work processes, and, where possible, eliminate entire administrative functions and offices. The department may transfer amounts among sections and programs to achieve these savings provided that reductions in direct services to clients and recipients of the department shall not be counted as administrative reductions. The department shall report to the appropriate committees of the legislature a spending plan to achieve these reductions by July 1, 2002, and shall report actual achieved administrative savings and projected saving for the remainder of the biennium by December 1, 2002.

Sec. 212. 2001 2nd sp.s. c 7 s 213 (uncodified) is amended to read as follows:

**FOR THE STATE HEALTH CARE AUTHORITY**

General Fund--State Appropriation (FY 2002) \$ 6,655,000	
(General Fund--State Appropriation (FY 2003) \$ 6,654,000))	
State Health Care Authority Administrative Account--State Appropriation \$ ((20,091,000))	20,032,000
Health Services Account--State Appropriation \$ ((499,148,000))	538,828,000
General Fund--Federal Appropriation \$ ((3,611,000))	4,240,000
Medical Aid Account--State Appropriation \$ 45,000	
TOTAL APPROPRIATION \$ ((536,159,000))	569,800,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$6,551,000 of the general fund--state appropriation for fiscal year 2002 and \$6,550,000 of the ~~((general fund))~~ health services account-- state appropriation for fiscal year 2003 are provided solely for health care services provided through local community clinics.

(2) Within funds appropriated in this section and sections 205 and 206 of this 2001 act, the health care authority shall continue to provide an enhanced basic health plan subsidy option for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at a cost of ten dollars per covered worker per month.

(3) The health care authority shall require organizations and individuals which are paid to deliver basic health plan services and which choose to sponsor enrollment in the subsidized basic health plan to pay the following: (i) A minimum of fifteen dollars per enrollee per month for persons below 100 percent of the federal poverty level; and (ii) a minimum of twenty dollars per enrollee per month for persons whose family income is 100 percent to 125 percent of the federal poverty level.

(4) The health care authority shall solicit information from the United States office of personnel management, health plans, and other relevant sources, regarding the cost of implementation of mental health parity by the federal employees health benefits program in 2001. A progress report shall be provided to the senate and house of representatives fiscal committees by July 1, 2002, and a final report shall be provided to the legislature by November 15, 2002, on the study findings.

(5) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of income tax returns and recent pay history from all applicants; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; and (e) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(6) The health services account revenues generated by Initiative Measure No. 773 which are appropriated in this section shall be used to subsidize enrollments in excess of the 125,000 per month base enrollment level as follows:

(a) \$20,000,000 is provided solely for enrollment in the subsidized basic health plan of persons who, solely by reason of their immigration status, are not eligible for medicaid coverage of their nonemergent medical care needs. From July 2002 to October 2002, opportunities for subsidized coverage will be offered on a phased-in basis to this group of persons. Any entity or organization may sponsor subsidized basic health plan enrollment.

(b) Beginning January 1, 2003, subsidized basic health plan coverage shall be offered on a phased-in basis to an additional 20,000 enrollees.

(7) \$3,000,000 of the health services account--state appropriation for fiscal year 2003 is provided solely to increase the number of persons not eligible for medicaid receiving dental care from nonprofit community clinics, and for interpreter services to support dental and medical services for persons for whom interpreters are not available from any other source.

(8) The health care authority shall report to the fiscal committees of the legislature on the costs, benefits, and feasibility of implementing a system no later than January 1, 2004, under which the state's contribution to the cost of employee medical coverage would be graduated according to employee salary. Under the graduated system, employees in higher salary ranges would pay a larger share of the cost of their medical coverage, while those paid lower salaries would pay a smaller percentage of their premium. The report shall be prepared in consultation with the department of personnel and the state-supported colleges and universities, and shall be submitted to the fiscal committees no later than December 1, 2002.

(9) In consultation with the department of personnel and with the state-supported colleges and universities, the health care authority shall report to the fiscal committees of the legislature by October 1, 2002, a plan for expanding the availability and use of flexible spending account plans under which employees may set aside pretax earnings to cover their out-of-pocket medical costs. The authority is authorized to proceed with implementation of such a plan to the extent it can be accomplished within existing state funding levels.

(10) \$685,000 of the health services account appropriation, \$629,000 of the general fund--federal appropriation, and the medical aid account appropriation are provided solely for implementation of Substitute Senate Bill No. 6368 (prescription drug utilization and education). If the bill is not enacted by June 30, 2002, these amounts shall lapse.

Sec. 213. 2001 2nd sp.s. c 7 s 214 (uncodified) is amended to read as follows:

**FOR THE HUMAN RIGHTS COMMISSION**

General Fund--State Appropriation (FY 2002) \$ 2,688,000  
General Fund--State Appropriation (FY 2003) \$ ~~((2,700,000))~~

2,619,000

General Fund--Federal Appropriation \$ 1,544,000  
General Fund--Private/Local Appropriation \$ 100,000  
TOTAL APPROPRIATION \$ ~~((7,032,000))~~

6,951,000

Sec. 214. 2001 2nd sp.s. c 7 s 215 (uncodified) is amended to read as follows:

**FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS**

Worker and Community Right-to-Know Account--State  
Appropriation \$ 20,000  
Accident Account--State Appropriation \$ ~~((44,692,000))~~

14,798,000

Medical Aid Account--State Appropriation \$ ~~((44,694,000))~~

14,801,000

TOTAL APPROPRIATION \$ ~~((29,406,000))~~

29,619,000

Sec. 215. 2001 2nd sp.s. c 7 s 216 (uncodified) is amended to read as follows:

**FOR THE CRIMINAL JUSTICE TRAINING COMMISSION**

Municipal Criminal Justice Assistance Account--  
Local Appropriation \$ 460,000  
Death Investigations Account--State  
Appropriation \$ 148,000  
Public Safety and Education Account--State  
Appropriation \$ ~~((18,439,000))~~

18,148,000

TOTAL APPROPRIATION \$ ~~((19,047,000))~~

18,756,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$124,000 of the public safety and education account appropriation is provided solely to allow the Washington association of sheriffs and police chiefs to increase the technical and training support provided to the local criminal justice agencies on the new incident-based reporting system and the national incident-based reporting system.

(2) \$136,000 of the public safety and education account appropriation is provided solely to allow the Washington association of prosecuting attorneys to enhance the training provided to criminal justice personnel.

(3) ~~(\$22,000)~~ \$19,000 of the public safety and education account appropriation is provided solely to increase payment rates for the criminal justice training commission's contracted food service provider.

(4) ~~(\$31,000)~~ \$27,000 of the public safety and education account appropriation is provided solely to increase payment rates for the criminal justice training commission's contract with the Washington association of sheriffs and police chiefs.

(5) \$65,000 of the public safety and education account appropriation is provided solely for regionalized training programs for school district and local law enforcement officials on school safety issues.

(6) ~~(\$233,000 of the public safety and education account appropriation is provided solely for training and equipping local law enforcement officers to respond to methamphetamine crime.~~

(7) ~~\$374,000 of the public safety and education account appropriation is provided solely for the implementation of House Bill No. 1062 (certification of peace officers). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.~~

(8)) \$450,000 of the public safety and education account appropriation is provided solely for grants to be distributed by the Washington association of sheriffs and police chiefs for electronic mapping of school facilities.

Sec. 216. 2001 2nd sp.s. c 7 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LABOR AND INDUSTRIES**

General Fund--State Appropriation (FY 2002) \$ <del>(7,738,000)</del>	<u>5,577,000</u>
General Fund--State Appropriation (FY 2003) \$ <del>(7,682,000)</del>	<u>5,517,000</u>
General Fund--Federal Appropriation \$ 1,250,000	
Public Safety and Education Account--State Appropriation \$ <del>(19,862,000)</del>	<u>18,292,000</u>
Public Safety and Education Account--Federal Appropriation \$ 6,950,000	
Public Safety and Education Account--Private/Local Appropriation \$ <del>(4,200,000)</del>	<u>5,373,000</u>
Asbestos Account--State Appropriation \$ 688,000	
Electrical License Account--State Appropriation \$ 28,412,000	
Farm Labor Revolving Account--Private/Local Appropriation \$ 28,000	
Worker and Community Right-to-Know Account--State Appropriation \$ 2,281,000	
Public Works Administration Account--State Appropriation \$ 2,856,000	
Accident Account--State Appropriation \$ <del>(179,186,000)</del>	<u>184,219,000</u>
Accident Account--Federal Appropriation \$ 11,568,000	
Medical Aid Account--State Appropriation \$ <del>(176,715,000)</del>	<u>183,666,000</u>
Medical Aid Account--Federal Appropriation \$ 2,438,000	
Plumbing Certificate Account--State Appropriation \$ <del>(1,015,000)</del>	<u>1,111,000</u>
Pressure Systems Safety Account--State Appropriation \$ <del>(2,274,000)</del>	<u>2,525,000</u>
TOTAL APPROPRIATION \$ <del>(455,143,000)</del>	<u>462,751,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 7.68.015, the department shall operate the crime victims compensation program within the public safety and education account funds appropriated in this section. In the event that cost containment measures are necessary, the department may (a) institute copayments for services; (b) develop preferred provider contracts; or (c) other cost containment measures. Cost containment measures shall not include holding invoices received in one fiscal period for payment from appropriations in subsequent fiscal periods. No more than \$5,248,000 of the public safety and education account appropriation shall be expended for department administration of the crime victims compensation program.

(2) ~~(\$1,438,000 of the accident account--state appropriation and \$1,438,000 of the medical aid account--state appropriation are provided for the one-time cost of implementing a recent state supreme court ruling regarding the calculation of workers' compensation benefits. This decision significantly increases the complexity of calculating benefits and therefore increases the administrative and legal costs of the workers' compensation program. The department shall develop and report to appropriate committees of the legislature proposed statutory language that provides greater certainty and simplicity in the calculation of benefits. The report shall be submitted by October 1, 2001.~~

(3)) It is the intent of the legislature that elevator inspection fees shall fully cover the cost of the elevator inspection program. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium the department may increase fees in excess of the fiscal growth factor, if the increases are necessary to fully fund the cost of the elevator inspection program.

(3) \$300,000 of the medical aid account--state appropriation is provided for a second center of occupational health and education to be located on the east side of the state. These centers train physicians on best practices for occupational medicine and work with labor and business to improve the quality and outcomes of medical care provided to injured workers.

Sec. 217. 2001 2nd sp.s. c 7 s 218 (uncodified) is amended to read as follows:

**FOR THE INDETERMINATE SENTENCE REVIEW BOARD**

General Fund--State Appropriation (FY 2002) \$ 999,000	
General Fund--State Appropriation (FY 2003) \$ ((999,000))	<u>969,000</u>
TOTAL APPROPRIATION \$ ((1,998,000))	<u>1,968,000</u>

**Sec. 218.** 2001 2nd sp.s. c 7 s 219 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF VETERANS AFFAIRS**

(1) HEADQUARTERS	
General Fund--State Appropriation (FY 2002) \$ ((1,529,000))	<u>1,577,000</u>
General Fund--State Appropriation (FY 2003) \$ 1,533,000	
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation \$ 7,000	
TOTAL APPROPRIATION \$ ((3,069,000))	<u>3,117,000</u>

(2) FIELD SERVICES	
General Fund--State Appropriation (FY 2002) \$ 2,619,000	
General Fund--State Appropriation (FY 2003) \$ ((2,643,000))	<u>2,580,000</u>
General Fund--Federal Appropriation \$ ((155,000))	<u>310,000</u>
General Fund--Private/Local Appropriation \$ 1,663,000	
TOTAL APPROPRIATION \$ ((7,080,000))	<u>7,172,000</u>

(3) INSTITUTIONAL SERVICES	
General Fund--State Appropriation (FY 2002) \$ ((6,832,000))	<u>5,765,000</u>
General Fund--State Appropriation (FY 2003) \$ ((4,600,000))	<u>5,516,000</u>
General Fund--Federal Appropriation \$ ((28,699,000))	<u>27,437,000</u>
General Fund--Private/Local Appropriation \$ ((25,614,000))	<u>22,828,000</u>
TOTAL APPROPRIATION \$ ((65,745,000))	<u>61,546,000</u>

The appropriations in this subsection are subject to the following terms and conditions: ((~~\$3,664,000~~) \$2,886,000 of the general fund--federal appropriation and ((~~\$7,377,000~~) \$5,639,000 of the general fund--local appropriation are provided solely for the department to acquire, establish, and operate a nursing facility dedicated to serving men and women from Washington who have served in the nation's armed forces.

**NEW SECTION. Sec. 219.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:  
**FOR THE HOME CARE QUALITY AUTHORITY**

General Fund--State Appropriation (FY 2003) \$ 152,000

The appropriation in this section is subject to the following conditions and limitations: The general fund--state appropriation for fiscal year 2003 is provided for start-up costs of the home care quality authority, a new state agency established by the enactment of Initiative Measure No. 775.

**Sec. 220.** 2001 2nd sp.s. c 7 s 220 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF HEALTH**

General Fund--State Appropriation (FY 2002) \$ ((65,308,000))	<u>57,337,000</u>
General Fund--State Appropriation (FY 2003) \$ ((66,941,000))	<u>54,940,000</u>
Health Services Account--State Appropriation \$ ((24,186,000))	<u>33,520,000</u>
General Fund--Federal Appropriation \$ ((276,840,000))	<u>297,352,000</u>
General Fund--Private/Local Appropriation \$ ((81,526,000))	<u>82,912,000</u>
Hospital Commission Account--State Appropriation \$ ((1,718,000))	<u>2,305,000</u>
Health Professions Account--State Appropriation \$ ((38,456,000))	<u>39,374,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation \$ 14,858,000	
Safe Drinking Water Account--State Appropriation \$ ((2,701,000))	<u>2,689,000</u>

Drinking Water Assistance Account--Federal Appropriation \$ ((13,400,000))	<u>13,376,000</u>
Waterworks Operator Certification--State Appropriation \$ 622,000	
<u>Salmon Recovery Account--State Appropriation \$ 182,000</u>	
Water Quality Account--State Appropriation \$ ((3,328,000))	<u>3,304,000</u>
Accident Account--State Appropriation \$ 257,000	
Medical Aid Account--State Appropriation \$ 45,000	
State Toxics Control Account--State Appropriation \$ ((2,817,000))	<u>2,809,000</u>
Medical Test Site Licensure Account--State Appropriation \$ ((1,369,000))	<u>1,801,000</u>
Youth Tobacco Prevention Account--State Appropriation \$ 1,797,000	
Tobacco Prevention and Control Account--State Appropriation \$ ((34,992,000))	<u>43,737,000</u>
TOTAL APPROPRIATION \$ ((631,161,000))	<u>653,217,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department or any successor agency is authorized to raise existing fees charged to the drinking water operator certification, newborn screening, radioactive materials, x-ray compliance, drinking water plan review, midwifery, hearing and speech, veterinarians, psychologists, pharmacists, hospitals, podiatrists, ~~((and))~~ home health and home care, transient accommodations licensing, adult residential rehabilitation facilities licensing, state institution licensing, medical test site licensing, alcoholism treatment facilities licensing, certificate of need, and food handlers programs, in excess of the fiscal growth factor established by Initiative Measure No. 601, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2002 ~~((and \$339,000))~~, \$157,000 of the general fund--state appropriation for fiscal year 2003, and the salmon recovery account appropriation are provided solely for technical assistance to local governments and special districts on water conservation and reuse.

(3) \$1,675,000 of the general fund--state fiscal year 2002 appropriation and \$1,676,000 of the general fund--state fiscal year 2003 appropriation are provided solely for the implementation of the Puget Sound water work plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(4) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(5) ~~(((\$5,779,000))~~ \$19,778,000 of the health services account--state appropriation ~~((for fiscal year 2002 and \$4,665,000 of the health services account--state appropriation for fiscal year 2003 are))~~ is provided solely for ~~((purchase and distribution of the pneumococcal conjugate vaccine as part of))~~ the state's program of universal access to essential childhood vaccines. The department shall utilize all available federal funding before expenditure of these funds.

(6) \$85,000 of the general fund--state appropriation for fiscal year 2002 and \$65,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute House Bill No. 1365 (infant and child products). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(7) ~~(((\$58,000 of the general fund--state appropriation for fiscal year 2002 and \$25,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute House Bill No. 1590 (breastfeeding). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.~~

(8)) From funds appropriated in this section, the state board of health shall convene a broadly-based task force to review the available information on the potential risks and benefits to public and personal health and safety, and to individual privacy, of emerging technologies involving human deoxyribonucleic acid (DNA). The board may reimburse task force members for travel expenses according to RCW 43.03.220. The task force shall consider information provided to it by interested persons on: (a) The incidence of discriminatory actions based upon genetic information; (b) strategies to safeguard civil rights and privacy related to genetic information; (c) remedies to compensate individuals for inappropriate use of their genetic information; and (d) incentives for further research and development on the use of DNA to promote public health, safety, and welfare. The task force shall report on its findings and any recommendations to appropriate committees of the legislature by October 1, 2002.

~~((9))~~ (8) \$533,000 of the general fund--state appropriation for fiscal year 2002 and ~~(((\$1,067,000))~~ \$847,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for performance-based contracts with local jurisdictions to assure the safety of drinking water provided by small "group B" water systems.

(9) By October 1, 2002, the department shall establish mechanisms to assure that the HIV early intervention services program operates within appropriated levels. This shall include a system under which the state's contribution to the cost of care is adjusted on a sliding-scale basis.

(10) By December 1, 2002, the department shall report to appropriate committees of the legislature with a feasibility analysis of implementing an electronic filing system for death certificates. The study shall be conducted in consultation and cooperation with local and state registrars, funeral directors, and physicians, and shall include an analysis of applying an additional fee to death certificates to cover the cost of developing and operating the electronic system.

Sec. 221. 2001 2nd sp.s. c 7 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2002, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2002 between programs. The director of financial

management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any deviations from appropriation levels.

(1) ADMINISTRATION AND SUPPORT SERVICES	
General Fund--State Appropriation (FY 2002) \$ (( <del>36,156,000</del> ))	<u>36,786,000</u>
General Fund--State Appropriation (FY 2003) \$ (( <del>36,365,000</del> ))	<u>36,434,000</u>
Public Safety and Education Account--State Appropriation \$ 1,576,000	
Violence Reduction and Drug Enforcement Account Appropriation \$ 3,254,000	
TOTAL APPROPRIATION \$ (( <del>77,351,000</del> ))	<u>78,050,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$4,623,000 of the general fund--state appropriation for fiscal year 2002, \$4,623,000 of the general fund--state appropriation for fiscal year 2003, and \$3,254,000 of the violence reduction and drug enforcement account appropriation are provided solely for the replacement of the department's offender-based tracking system. This amount is conditioned on the department satisfying the requirements of section 902 of this act. The department shall prepare an assessment of the fiscal impact of any changes to the replacement project. The assessment shall:

- (a) Include a description of any changes to the replacement project;
- (b) Provide the estimated costs for each component in the 2001-03 and subsequent biennia;
- (c) Include a schedule that provides the time estimated to complete changes to each component of the replacement project; and
- (d) Be provided to the office of financial management, the department of information services, the information services board, and the staff of the fiscal committees of the senate and the house of representatives no later than November 1, 2002.

(2) CORRECTIONAL OPERATIONS	
General Fund--State Appropriation (FY 2002) \$ (( <del>397,231,000</del> ))	<u>404,390,000</u>
General Fund--State Appropriation (FY 2003) \$ (( <del>407,078,000</del> ))	<u>412,788,000</u>
General Fund--Federal Appropriation \$ (( <del>12,096,000</del> ))	<u>9,142,000</u>
Violence Reduction and Drug Enforcement Account-- State Appropriation \$ (( <del>1,614,000</del> ))	<u>1,596,000</u>
Public Health Services Account Appropriation \$ 1,453,000	
TOTAL APPROPRIATION \$ (( <del>819,472,000</del> ))	<u>829,369,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) \$553,000 of the general fund--state appropriation for fiscal year 2002 and ((~~\$1,171,000~~)) \$956,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted education providers, contracted chemical dependency providers, and contracted work release facilities.

(e) During the 2001-03 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account as of January 1, 2000.

(f) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase approximately 50 work release beds in facilities throughout the state for \$3,500,000.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2002 and \$76,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Second Substitute Senate Bill No. 6151 (high risk sex offenders in the civil commitment and criminal justice systems). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(h) The department may acquire a ferry for no more than \$1,000,000 from Washington state ferries. Funds expended for this purpose will be recovered from the sale of marine assets.

(i) \$53,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the implementation of Engrossed Substitute Senate Bill No. 6490 (motor vehicle theft). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(j) Within the amounts appropriated in this section, funding is provided for the initial implementation of a medical algorithm practice program within the department's facilities. The program shall be designed to achieve clinical efficacy and costs efficiency in the utilization of psychiatric drugs.

(3) COMMUNITY SUPERVISION	
General Fund--State Appropriation (FY 2002) \$ (( <del>61,427,000</del> ))	<u>68,097,000</u>
General Fund--State Appropriation (FY 2003) \$ (( <del>62,934,000</del> ))	

General Fund--Federal Appropriation \$ ((1,125,000))	<u>75,720,000</u>
Public Safety and Education	<u>870,000</u>
Account--State Appropriation \$ ((15,841,000))	<u>15,493,000</u>
TOTAL APPROPRIATION \$ ((141,327,000))	<u>160,180,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department of corrections shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department of corrections to contract with the institute for public policy for responsibilities assigned in chapter 196, Laws of 1999 (offender accountability act) and sections 7 through 12 of chapter 197, Laws of 1999 (drug offender sentencing).

(c) \$16,000 of the general fund--state appropriation for fiscal year 2002 and ((~~\$34,000~~) \$28,000) of the general fund--state appropriation for fiscal year 2003 are provided solely to increase payment rates for contracted chemical dependency providers.

(d) \$30,000 of the general fund--state appropriation for fiscal year 2002 and \$30,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of Substitute Senate Bill No. 5118 (interstate compact for adult offender supervision). If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2002) \$ 631,000
General Fund--State Appropriation (FY 2003) \$ 629,000
TOTAL APPROPRIATION \$ 1,260,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund--state appropriation for fiscal year 2002 and \$110,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2002) \$ 18,568,000
General Fund--State Appropriation (FY 2003) \$ 18,569,000
TOTAL APPROPRIATION \$ 37,137,000

Sec. 222. 2001 2nd sp.s. c 7 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SERVICES FOR THE BLIND**

General Fund--State Appropriation (FY 2002) \$ ((1,693,000))	<u>1,652,000</u>
General Fund--State Appropriation (FY 2003) \$ ((1,628,000))	<u>1,588,000</u>
General Fund--Federal Appropriation \$ ((11,140,000))	<u>12,643,000</u>
General Fund--Private/Local Appropriation \$ 80,000	<u>15,963,000</u>
TOTAL APPROPRIATION \$ ((14,541,000))	

The appropriations in this section are subject to the following conditions and limitations: \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase state assistance for a comprehensive program of training and support services for persons who are both deaf and blind.

Sec. 223. 2001 2nd sp.s. c 7 s 223 (uncodified) is amended to read as follows:

**FOR THE SENTENCING GUIDELINES COMMISSION**

General Fund--State Appropriation (FY 2002) \$ 936,000	
General Fund--State Appropriation (FY 2003) \$ ((857,000))	<u>832,000</u>
TOTAL APPROPRIATION \$ ((1,793,000))	<u>1,768,000</u>

The appropriations in this section are subject to the following conditions and limitations:

\$78,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the sentencing guidelines commission to conduct a comprehensive review and evaluation of state sentencing policy. The review and evaluation shall include an analysis of whether current sentencing ranges and standards, as well as existing mandatory minimum sentences, existing sentence enhancements, and special sentencing alternatives, are consistent with the purposes of the sentencing reform act as set out in RCW 9.94A.010, including the intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender. The review and evaluation shall also examine whether current sentencing ranges and standards are consistent with existing corrections capacity.

The review and evaluation shall consider studies on the cost-effectiveness of sentencing alternatives, as well as the fiscal impact of sentencing policies on state and local government. In conducting the review and evaluation, the commission shall consult with the superior court judges' association, the Washington association of prosecuting attorneys, the Washington defenders' association, the Washington association of criminal defense lawyers, the Washington association of sheriffs and police chiefs, organizations representing crime victims, and other organizations and individuals with expertise and interest in sentencing policy.

Not later than December 1, 2001, the commission shall present to the appropriate standing committees of the legislature the report of its comprehensive review and evaluation, together with any recommendations for revisions and modifications to state sentencing policy, including sentencing ranges and standards, mandatory minimum sentences, and sentence enhancements. If implementation of the

recommendations of the commission would result in exceeding the capacity of correctional facilities, the commission shall at the same time present to the legislature a list of revised standard sentence ranges which are consistent with currently authorized rated and operational corrections capacity, and consistent with the purposes of the sentencing reform act.

**Sec. 224.** 2001 2nd sp.s. c 7 s 224 (uncodified) is amended to read as follows:

**FOR THE EMPLOYMENT SECURITY DEPARTMENT**

General Fund--Federal Appropriation	\$ 180,628,000	
General Fund--Private/Local Appropriation	\$ 30,119,000	
Unemployment Compensation Administration Account-- Federal Appropriation	\$ ((181,677,000))	
		<u>194,167,000</u>
Administrative Contingency Account--State Appropriation	\$ ((13,914,000))	
		<u>15,514,000</u>
Employment Service Administrative Account--State Appropriation	\$ 20,001,000	
TOTAL APPROPRIATION	\$ ((426,339,000))	
		<u>440,429,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$156,000 of the unemployment compensation administration account is provided solely for the implementation of Substitute House Bill No. 2355 (unemployment insurance). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

(2) Up to \$1,600,000 of the administrative contingency account--state appropriation is provided solely for administrative costs related to the implementation of Engrossed House Bill No. 2901 (unemployment insurance). If the bill is not enacted by June 30, 2002, the amount provided in this subsection shall lapse.

**PART III  
NATURAL RESOURCES**

**Sec. 301.** 2001 2nd sp.s. c 7 s 301 (uncodified) is amended to read as follows:

**FOR THE COLUMBIA RIVER GORGE COMMISSION**

General Fund--State Appropriation (FY 2002)	\$ 398,000	
General Fund--State Appropriation (FY 2003)	\$ ((391,000))	
		<u>379,000</u>
General Fund--Private/Local Appropriation	\$ 749,000	
TOTAL APPROPRIATION	\$ ((1,538,000))	
		<u>1,526,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$40,000 of the general fund--state appropriation for fiscal year 2002 and \$40,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the scenic area management plan for Klickitat county. If Klickitat county adopts an ordinance to implement the scenic area management plan in accordance with the national scenic area act, P.L. 99-663, then the amounts provided in this subsection shall be provided as a grant to Klickitat county to implement its responsibilities under the act.

**Sec. 302.** 2001 2nd sp.s. c 7 s 302 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF ECOLOGY**

General Fund--State Appropriation (FY 2002)	\$ ((46,633,000))	
		<u>39,404,000</u>
General Fund--State Appropriation (FY 2003)	\$ ((44,481,000))	
		<u>34,283,000</u>
General Fund--Federal Appropriation	\$ 56,805,000	
General Fund--Private/Local Appropriation	\$ 4,351,000	
Special Grass Seed Burning Research Account-- State Appropriation	\$ 14,000	
Reclamation Revolving Account--State Appropriation	\$ ((1,810,000))	
		<u>1,935,000</u>
Flood Control Assistance Account-- State Appropriation	\$ 4,098,000	
State Emergency Water Projects Revolving Account-- State Appropriation	\$ 878,000	
Waste Reduction/Recycling/Litter Control Account-- State Appropriation	\$ ((13,537,000))	
		<u>14,287,000</u>
State Drought Preparedness Account--State Appropriation	\$ ((5,325,000))	
		<u>2,575,000</u>
Salmon Recovery Account--State Appropriation	\$ 250,000	
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation	\$ 587,000	
Water Quality Account--State Appropriation	\$ ((12,481,000))	
		<u>22,985,000</u>
Wood Stove Education and Enforcement Account-- State Appropriation	\$ 353,000	
Worker and Community Right-to-Know Account-- State Appropriation	\$ 3,288,000	

State Toxics Control Account--State Appropriation \$ ((68,931,000))	<u>70,001,000</u>
State Toxics Control Account--Private/Local Appropriation \$ 350,000	
Local Toxics Control Account--State Appropriation \$ 4,751,000	
Water Quality Permit Account--State Appropriation \$ ((23,827,000))	<u>24,210,000</u>
Underground Storage Tank Account--State Appropriation \$ 2,682,000	
Environmental Excellence Account--State Appropriation \$ 504,000	
Biosolids Permit Account--State Appropriation \$ ((589,000))	<u>764,000</u>
Hazardous Waste Assistance Account--State Appropriation \$ 4,308,000	
Air Pollution Control Account--State Appropriation \$ ((1,066,000))	<u>1,366,000</u>
Oil Spill Prevention Account--State Appropriation \$ 7,921,000	
Air Operating Permit Account--State Appropriation \$ 3,608,000	
Freshwater Aquatic Weeds Account--State Appropriation \$ 1,898,000	
Oil Spill Response Account--State Appropriation \$ 7,078,000	
Metals Mining Account--State Appropriation \$ 5,000	
Water Pollution Control Revolving Account-- State Appropriation \$ ((467,000))	<u>536,000</u>
Water Pollution Control Revolving Account-- Federal Appropriation \$ ((2,316,000))	<u>2,802,000</u>
TOTAL APPROPRIATION \$ ((324,942,000))	<u>318,877,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,874,000 of the general fund--state appropriation for fiscal year 2002, \$3,874,000 of the general fund--state appropriation for fiscal year 2003, \$394,000 of the general fund--federal appropriation, \$2,070,000 of the oil spill prevention account--state appropriation, and \$3,686,000 of the water quality permit account--state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DOE-01, DOE-02, DOE-03, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$500,000 of the state toxics control account appropriation is provided for an assessment of the financial assurance requirements of hazardous waste management facilities. By September 30, 2002, the department shall provide to the governor and appropriate committees of the legislature a report that: (a) Evaluates current statutes and regulations governing hazardous waste management facilities; (b) analyzes and makes recommendations for improving financial assurance regulatory control; and (c) makes recommendations for funding financial assurance regulatory control of hazardous waste management facilities.

(3) ~~(\$250,000 of the general fund--state appropriation for fiscal year 2002, \$250,000 of the general fund--state appropriation for fiscal year 2003, \$564,000)~~ \$814,000 of the state drought preparedness account--state appropriation, ~~((and))~~ \$549,000 of the water quality account--state appropriation, and \$250,000 of the salmon recovery account--state appropriation are provided solely for enhanced streamflow monitoring in critical salmon recovery basins. \$640,000 of this amount is provided solely to implement the Puget Sound work plan and agency action item DOE-01.

(4) \$1,000,000 of the state toxics control account appropriation in this section is provided solely for the department to work in cooperation with local jurisdictions to address emerging storm water management requirements. This work shall include developing a storm water manual for eastern Washington, technical assistance to local jurisdictions, and increased implementation of the department's existing storm water program. \$200,000 of this amount is provided solely for implementation of the Puget Sound work plan and agency action item DOE-06.

(5) \$383,000 of the general fund--state appropriation for fiscal year 2002 and \$383,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for water conservation plan review, technical assistance, and project review for water conservation and reuse projects. By December 1, 2003, the department in cooperation with the department of health shall report to the governor and appropriate committees of the legislature on the activities and achievements related to water conservation and reuse during the past two biennia. The report shall include an overview of technical assistance provided, reuse project development activities, and water conservation achievements.

(6) \$3,424,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean up activities.

(7)(a) \$800,000 of the state toxics control account appropriation is provided solely to implement the department's persistent, bioaccumulative toxic chemical strategy. ~~(( \$4,000 of this amount shall be allocated to the department of health to assist with this effort.))~~

(b) In developing its persistent bioaccumulative toxic chemical strategy, the department must:

(i) First develop a planned strategy for the reduction of mercury from the environment. This strategy will be known as the mercury chemical action plan. The development of the mercury chemical action plan will be a model for developing all future chemical action plans;

(ii) Develop a mercury chemical action plan that includes, but is not limited to: (A) Identifying current mercury uses in Washington; (B) analyzing current state and federal laws, regulations, rules, and voluntary measures that can be used to reduce or eliminate mercury; (C) identifying mercury reduction and elimination options; and (D) implementing actions to reduce or eliminate mercury uses and releases;

(iii) Involve an advisory committee of up to twelve members composed of adequate and balanced representation of local government, business, agriculture, and environmental, public health, and community groups in the development of the mercury chemical action plan. In addition, the department must invite and strongly encourage any interested tribes or federal agencies to participate in the advisory committee process. The advisory committee must be involved in the development of the mercury chemical action plan. All information that will serve as the basis for any decisions in the mercury chemical action plan's development must be available to the advisory committee members. The advisory committee has sixty days to provide input to the department on the elements of the mercury chemical action plan. The comments and suggestions made by the advisory committee must be considered by the department; however, consensus of the advisory committee is not necessary for the department to move forward in the development of the mercury chemical action plan. All meetings of the advisory committee are subject to the provisions of chapter 42.30 RCW. The advisory committee for the mercury chemical action plan must be established by April 15, 2002;

(iv) By August 31, 2002, develop and issue a draft mercury chemical action plan in consultation with the advisory committee. Following the release of the draft plan, the department must allow for a sixty-day public comment period. The advisory committee, following the comment period, shall consider the public comments received; and

(v) The department shall finalize the mercury chemical action plan by December 31, 2002. The final mercury chemical action plan, developed after considering the public comments and the input of the advisory committee, must outline actions for the department to take, including, but not limited to, the development of any rules and recommending any legislation. Implementation must begin no later than February 1, 2003.

(8) Up to \$11,365,000 of the state toxics control account appropriation is provided for the remediation of contaminated sites. Of this amount, up to \$2,000,000 may be used to pay existing site remediation liabilities owed to the federal environmental protection agency for clean-up work that has been completed. The department shall carefully monitor actual revenue collections into the state toxics control account, and is authorized to limit actual expenditures of the appropriation provided in this section consistent with available revenue.

(9) \$200,000 of the state toxics control account appropriation is provided to assess the effectiveness of the state's current toxic pollution prevention and dangerous waste programs and policies. The department shall work with affected stakeholder groups and the public to evaluate the performance of existing programs, and identify feasible methods of reducing the generation of these wastes. The department shall report its findings to the governor and the appropriate committees of the legislature by September 30, 2002.

(10) \$1,200,000 of the state toxics control account appropriation is provided solely for the department, in conjunction with affected local governments, to address emergent areawide soil contamination problems. The department's efforts will include public involvement processes and completing assessments of the geographical extent of toxic contamination including highly contaminated areas.

(11) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound work plan action item UW-02 through a contract with the University of Washington's sea grant program to develop an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(12) \$1,500,000 of the general fund--state appropriation for fiscal year 2002, \$1,500,000 of the general fund--state appropriation for fiscal year 2003, and \$3,000,000 of the water quality account appropriation are provided solely to implement chapter 237, Laws of 2001 (Engrossed Substitute House Bill No. 1832, water resources management) and to support the processing of applications for changes and transfers of existing water rights.

~~(13) ((\$4,500,000 of the general fund--state appropriation for fiscal year 2002 and \$4,500,000 of the general fund--state appropriation for fiscal year 2003 are))~~ \$9,000,000 of the water quality account--state appropriation is provided solely for grants to local governments to conduct watershed planning and technical assistance. At least \$7,000,000 shall be distributed as grants and shall include \$200,000 for facilitation of the central Puget Sound regional initiative.

(14) \$3,114,000 of the water quality account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1832 (water resources management). Of this amount: (a) ~~(\$2,400,000)~~ \$1,200,000 is provided for grants to local governments for targeted watershed assessments consistent with Engrossed Substitute House Bill No. 1832; and (b) the remainder of the funding is provided solely for development of a state environmental policy act template to streamline environmental review, creation of a blue ribbon panel to develop long-term watershed planning implementation funding options, and technical assistance.

~~((18))~~ (15) \$200,000 of the water quality account appropriation is provided solely to provide coordination and assistance to groups established for the purpose of protecting, enhancing, and restoring the biological, chemical, and physical processes of watersheds. These groups may include those involved in coordinated resource management, regional fisheries enhancement groups, conservation districts, watershed councils, and private nonprofit organizations incorporated under Title 24 RCW.

~~((19))~~ (16) \$325,000 of the state drought preparedness account--state appropriation is provided solely for an environmental impact statement of the Pine Hollow reservoir project to be conducted in conjunction with the local irrigation district.

~~((20) \$1,700,000)~~ (17) \$1,352,000 of the general fund--state appropriation for fiscal year 2002, \$700,000 of the general fund--state appropriation for fiscal year 2003, \$700,000 of the water quality account appropriation, and \$280,000 of the oil spill prevention account appropriation are provided solely for oil spill prevention measures in Puget Sound. Of these amounts:

(a) The general fund appropriation ~~((is))~~ and the water quality account appropriation are provided solely for the department of ecology to provide for charter safety tug services ~~((-- Safety tug services shall include: (i)), including the placement of a dedicated tug at Neah Bay for not less than 200 days in fiscal year 2002 ((; and (ii) other safety tug services that may be released by the department at the request of the United States coast guard captain of the port for Puget Sound to the areas or incidents that the department deems to be of highest concern)) and fiscal year 2003. By January 10, 2002, the department shall report to the appropriate committees of the legislature regarding the number of dispatches, response time and distance, and other factors pertaining to the safety tug services. The general fund--state appropriation in this subsection is provided solely for implementation of the Puget Sound work plan and agency action item DOE-09;~~

(b) \$100,000 of the oil spill prevention account appropriation is provided solely for the department to conduct a vessel transponder feasibility study for Washington waters and undertake a trial vessel tracking program using transponders. In conducting the feasibility study and trial program, the department of ecology shall consult with state pilotage authorities, the maritime industry and the United States coast guard; and

(c) \$180,000 of the oil spill prevention account appropriation is provided solely to acquire vessel incident reporting information.

The governor shall request the federal government to provide ongoing resources to station a dedicated rescue tug at Neah Bay.

~~((24))~~ (18) \$600,000 of the water quality account--state appropriation is provided solely for setting instream flows in six basins not currently planning under the watershed planning act.

(19) \$200,000 of the water quality account appropriation is provided solely for activities associated with development of the Willapa River total maximum daily load (TMDL). The activities shall include but are not limited to: (a) A contract with Pacific county to complete the oxygen/bacteria and temperature model for the TMDL, conduct a technical analysis of local options for waste load allocations, and develop the first draft of the waste load allocation plan; and (b) a contract for facilitation services for a public process for the TMDL, assist in reaching consensus between parties involved in the technical work, help ensure that there is an accurate public record, and provide a forum for the waste load allocation.

(20) \$175,000 of the biosolids permit account is provided solely to develop a statewide septage strategy. The department shall work with affected stakeholders to address septage permit requirements, changes to existing rules, clarification of state and local responsibilities, and fee structure changes that are necessary to support the program in future biennia. The department shall report its findings to the governor and appropriate committees of the legislature by June 30, 2003.

(21) \$189,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for facilitation services and the following activities:

(a)(i) A joint task force is created to study judicial and administrative alternatives for resolving water disputes. The task force shall be organized and led by the office of the attorney general. In addition to the office of the attorney general, members of the task force shall include:

(A) Representatives of the legislature, including one member from each caucus appointed by the president of the senate and the speaker of the house of representatives;

(B) Representatives of the superior courts appointed by the president of the superior court judges association, and shall include two judicial officers of the superior court from eastern Washington and two judicial officers of the superior court from western Washington;

(C) A representative of the state court of appeals appointed by the chief justice of the state supreme court;

(D) A representative of the environmental hearings office; and

(E) A representative of the department of ecology.

(ii) The objectives of the task force are to:

(A) Examine and characterize the types of water disputes to be resolved;

(B) Examine the approach of other states to water dispute resolution;

(C) Recommend one or more methods to resolve water disputes, including, but not limited to, an administrative resolution process; a judicial resolution process such as water court; or any combination thereof; and

(D) Recommend an implementation plan that will address:

(I) A specific administrative structure for each method used to resolve water disputes;

(II) The cost to implement the plan; and

(III) The changes to statutes and administrative rules necessary to implement the plan.

(iii) The office of the attorney general shall work with the staff of the standing committees of the legislature with jurisdiction over water resources to research and compile information relevant to the mission of the task force by December 31, 2002.

(iv) The task force shall submit its report to the appropriate committees of the legislature no later than December 30, 2003.

(b) The department of ecology and the attorney general's office shall conduct a study to identify possible ways to streamline the water right general adjudication procedures. By December 1, 2002, the agencies will report on their findings and recommendations to the legislature.

(c)(i) The legislature finds that it is in the public interest to investigate the feasibility of conducting negotiations with other states and Canada regarding use of water bodies they share with the state of Washington.

(ii) The governor, or the governor's designee, shall consult with the states that share water bodies with the state of Washington, with Canada, and with other states that have conducted similar negotiations, regarding issues and strategies in those negotiations and shall report to the standing committees of the legislature having jurisdiction over water resources by January 1, 2003.

(iii) In conducting the consultations under this subsection (c), the governor shall give priority consideration to the interstate issues affecting the Spokane-Rathdrum Prairie aquifer including those issues affecting a safe and adequate supply of public drinking water, as provided by municipal governments.

(d) By October 1, 2002, the department of ecology shall provide to the appropriate standing committees of the legislature, a plan, schedule, and budget for improving the administration of water right records held by the department of ecology. The department of ecology shall work with the department of revenue and with county auditors in developing recommendations for improving the administration of water rights ownership information and integrating this information with real property ownership records. The department of ecology shall evaluate the need for grants to counties to assist with recording and information management needs related to water rights ownership and title.

(22) For applicants that meet eligibility requirements, the department of ecology shall consider individual stormdrain treatment systems to be classified as "activity" projects and eligible for grant funding provided under section 319 the federal Clean Water Act. These projects shall be prioritized for funding along with other grant proposals. Receipt of funding shall be based on this prioritization.

Sec. 303. 2001 2nd sp.s. c 7 s 303 (uncodified) is amended to read as follows:

**FOR THE STATE PARKS AND RECREATION COMMISSION**

General Fund--State Appropriation (FY 2002) \$ ((32,298,000))	<u>32,198,000</u>
General Fund--State Appropriation (FY 2003) \$ ((32,866,000))	<u>30,340,000</u>
General Fund--Federal Appropriation \$ 2,690,000	
General Fund--Private/Local Appropriation \$ 60,000	
Winter Recreation Program Account--State Appropriation \$ ((787,000))	<u>1,087,000</u>
Off Road Vehicle Account--State Appropriation \$ 274,000	
Snowmobile Account--State Appropriation \$ 4,682,000	
Aquatic Lands Enhancement Account--State Appropriation \$ 337,000	
Public Safety and Education Account--State Appropriation \$ ((48,000))	<u>47,000</u>
Salmon Recovery Account--State Appropriation \$ 200,000	
Water Trail Program Account--State Appropriation \$ 24,000	
Parks Renewal and Stewardship Account--State Appropriation \$ ((26,420,000))	<u>27,193,000</u>
<b>TOTAL APPROPRIATION \$ ((400,486,000))</b>	<b><u>99,132,000</u></b>

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2001-03 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) The state parks and recreation commission, in collaboration with the office of financial management and legislative staff, shall develop a cost-effective and readily accessible approach for reporting revenues and expenditures at each state park. The reporting system shall be complete and operational by December 1, 2001.

(3) ~~((The appropriation in this section from the off-road vehicle account state is provided under RCW 46.09.170(1)(c) and is provided solely to bring off-road vehicle recreation facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.~~

~~((4))~~ \$79,000 of the general fund--state appropriation for fiscal year 2002, \$79,000 of the general fund--state appropriation for fiscal year 2003, and \$8,000 of the winter recreation program account--state appropriation are provided solely for a grant for the operation of the Northwest avalanche center.

~~((5))~~ (4) \$432,000 of the parks renewal and stewardship account appropriation is provided for the operation of the Silver Lake visitor center. If a long-term management agreement is not reached with the U.S. forest service by September 30, 2001, the amount provided in this subsection shall lapse.

~~((6))~~ (5) \$189,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound work plan and agency action item P+ RC-02.

(6) The task force on the funding of state parks and outdoor recreation is hereby created, to consider and develop legislation on the operation and funding of the state parks and outdoor recreation programs of the state. The committee shall be composed of fifteen members, four members of the senate appointed by the president of the senate and to include two members from each caucus, four members of the house of representatives appointed by the speaker of the house of representatives and to include two members from each caucus, three members appointed by the governor and to include at least one representative of a broad coalition of users of the state's parks and outdoor recreation programs, one member appointed by the commissioner of public lands, one member appointed by the chair of the fish and wildlife commission, and one member appointed by the chair of the state parks and recreation commission, and one member appointed by the interagency committee for outdoor recreation. The task force shall elect its own officers, shall be staffed by staff of the legislature, the executive agencies, and the office of the governor, and may appoint an advisory committee of additional persons and organizations interested in the operation and funding of state parks and outdoor recreation. The task force shall specifically review and incorporate into its work the reports prepared pursuant to budget provisos by the Washington state parks and recreation commission regarding its operating budget needs, deferred maintenance backlog, and capital facilities renovation and replacement requirements. The task force shall prepare recommendations for improving the operation of state parks and outdoor recreation programs and for securing adequate funding on a permanent basis for supporting the needs of the state parks and outdoor recreation programs of the state, including a legislative proposal for the implementation of an evergreen recreation pass that would combine the various permits and licenses of the participating agencies into a single pass for recreational day use. The recommendations shall be developed no later than January 1, 2003, and shall be designed for enactment by the legislature during 2003 for implementation in the 2005-07 biennium. The task force shall cease to exist on June 30, 2003.

Sec. 304. 2001 2nd sp. s. c 7 s 304 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

General Fund--State Appropriation (FY 2002) \$ ~~((393,000))~~

143,000

General Fund--State Appropriation (FY 2003) \$ ~~((395,000))~~

180,000

General Fund--Federal Appropriation \$ 8,358,000

Firearms Range Account--State Appropriation \$ 13,000

Salmon Recovery Account--State Appropriation \$ 500,000

Recreation Resources Account--State  
Appropriation \$ 2,584,000

Recreation Resources Account--Federal  
Appropriation \$ 481,000

NOVA Program Account--State Appropriation \$ 611,000

Water Quality Account--State Appropriation \$ 700,000

State Toxics Control Account--State  
Appropriation \$ 500,000

Aquatic Lands Enhancement Account--State  
Appropriation \$ 200,000

TOTAL APPROPRIATION \$ ~~((14,235,000))~~

14,270,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((250,000 of the general fund state appropriation for fiscal year 2002, 250,000 of the general fund state appropriation for fiscal year 2003))~~ \$500,000 of the salmon recovery account appropriation, \$500,000 of the water quality account appropriation, and \$500,000 of the state toxics control account appropriation are provided solely to implement chapter 298, Laws of 2001, Substitute Senate Bill No. 5637 (watershed health monitoring and assessment) and for the development of a comprehensive salmon recovery and watershed health monitoring strategy and action plan. The strategy and action plan shall address the monitoring recommendations of the independent science panel in its report, *Recommendations for Monitoring Salmonid Recovery in Washington State* (December 2000), and of the joint legislative audit and review committee in its report *Investing in the Environment: Environmental Quality Grant and Loan Programs Performance Audit* (January 2001). The action plan shall include an assessment of state agency operations related to monitoring, evaluation, and adaptive management of salmon recovery and watershed health; any operational or statutory changes necessary to implement the strategy and action plan; and funding recommendations.

(2) \$8,000,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds will be passed through to the department of natural resources and the department of fish and wildlife.

(3) By August 1, 2001, the interagency committee for outdoor recreation shall complete the public lands inventory project and submit the project report to the joint legislative audit and review committee for review.

(4) \$200,000 of the aquatic lands enhancement account--state appropriation is provided solely to develop and implement a conservation initiative for Maury Island. The interagency committee for outdoor recreation shall contract with the Cascade Land Conservancy to develop and implement the initiative and to provide the following services: (a) Land and resource appraisal; (b) development of a plan of finance for acquisition of land or interests in land; and (c) conduct negotiations among purchasers and willing sellers.

(5) \$35,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to the interagency committee for outdoor recreation to convene and facilitate a biodiversity conservation committee to develop recommendations for a state biodiversity program. Up to \$32,000 of this amount may be granted, on a competitive basis, to conduct a review of biodiversity programs and develop recommendations. The grant agreement must be conditioned to require that at least an amount of funding equal to the state grant be applied to the project from nonstate sources. The grantee must provide a final report describing its review and recommendations to the governor and the appropriate standing committees of the senate and house of representatives by October 1, 2003.

Sec. 305. 2001 2nd sp. s. c 7 s 305 (uncodified) is amended to read as follows:

**FOR THE ENVIRONMENTAL HEARINGS OFFICE**

General Fund--State Appropriation (FY 2002) \$ 846,000  
General Fund--State Appropriation (FY 2003) \$ ((847,000))

TOTAL APPROPRIATION \$ ((1,693,000))

822,000

1,668,000

**Sec. 306.** 2001 2nd sp.s. c 7 s 306 (uncodified) is amended to read as follows:

**FOR THE CONSERVATION COMMISSION**

General Fund--State Appropriation (FY 2002) \$ ((2,207,000))

2,141,000

General Fund--State Appropriation (FY 2003) \$ ((2,196,000))

2,131,000

Water Quality Account--State Appropriation \$ ((3,739,000))

3,498,000

TOTAL APPROPRIATION \$ ((8,142,000))

7,770,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the water quality account--state appropriation is provided solely for the agriculture, fish, and water negotiations to develop best management practices that will protect and recover salmon. The commission shall make grants to allow interest groups to participate in the negotiations.

(2) ((~~\$1,601,000~~)) \$801,000 of the water quality account--state appropriation is provided solely for the completion of limiting factors analysis for watersheds affected by listings of salmon and bull trout under the federal endangered species act.

(3) \$247,000 of the general fund--state appropriation for fiscal year 2002 and \$247,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item CC-01.

(4) By March 1, 2002, the conservation reserve enhancement program contract with the federal farm service agency shall be proposed for amendment to allow funding of flexible riparian buffer standards consistent with: (a) The recommendations of the state's agriculture/fish/water negotiation process; or (b) ordinances adopted through municipal regulations in compliance with the state growth management act requirement to protect critical areas. These ordinances shall be scientifically defensible and include programs for monitoring and adaptive management.

**Sec. 307.** 2001 2nd sp.s. c 7 s 307 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund--State Appropriation (FY 2002) \$ ((51,600,000))

46,375,000

General Fund--State Appropriation (FY 2003) \$ ((50,762,000))

44,334,000

General Fund--Federal Appropriation \$ ((37,366,000))

37,716,000

General Fund--Private/Local Appropriation \$ 24,365,000

Off Road Vehicle Account--State

Appropriation \$ 475,000

Aquatic Lands Enhancement Account--State

Appropriation \$ ((6,094,000))

5,133,000

Public Safety and Education Account--State

Appropriation \$ ((586,000))

574,000

Recreational Fisheries Enhancement Account--

State Appropriation \$ ((3,032,000))

3,354,000

Salmon Recovery Account--State Appropriation \$ 1,612,000

Warm Water Game Fish Account--State

Appropriation \$ 2,567,000

Eastern Washington Pheasant Enhancement Account--

State Appropriation \$ 750,000

Wildlife Account--State Appropriation \$ ((48,518,000))

50,680,000

Wildlife Account--Federal Appropriation \$ 38,182,000

Wildlife Account--Private/Local

Appropriation \$ 15,133,000

Game Special Wildlife Account--State

Appropriation \$ 1,941,000

Game Special Wildlife Account--Federal

Appropriation \$ 9,591,000

Game Special Wildlife Account--Private/Local

Appropriation \$ 350,000

((~~Water Quality Account--State Appropriation \$ 1,000,000~~))

Environmental Excellence Account--State

Appropriation \$ 15,000

Regional Fisheries Salmonid Recovery Account--

Federal Appropriation \$ 1,750,000

Oil Spill Administration Account--State

Appropriation \$ 963,000

Oyster Reserve Land Account--State

Appropriation \$ 135,000

TOTAL APPROPRIATION \$ ((295,175,000))

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,682,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$1,682,000)~~ \$1,189,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-07.

(2) \$200,000 of the general fund--state appropriation for fiscal year 2002 and \$200,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to update the salmon and steelhead stock inventory.

~~(3) (\$550,000 of the general fund--state appropriation for fiscal year 2002 and \$550,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for salmonid smolt production monitoring-~~

~~(4))~~ \$250,000 of the general fund--state appropriation for fiscal year 2002 and \$250,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the department to implement a hatchery endangered species act response. The response shall include emergency hatchery responses, production, and retrofitting of hatcheries for salmon recovery.

~~((5))~~ (4) \$600,000 of the general fund--state appropriation for fiscal year 2002 and \$600,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for local salmon recovery technical assistance.

~~((6) \$1,625,000 of the general fund--state appropriation for fiscal year 2002 and \$1,625,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to fund grants to lead entities established under chapter 77.85 RCW. The department, in consultation with the lead entity advisory group and individual lead entities, shall establish an application process and evaluation criteria to allocate funds to up to 26 lead entities to provide core activities identified in chapter 77.85 RCW. Grants to individual lead entities may range from \$37,500 to \$150,000 per year-~~

~~(7) \$125,000 of the general fund--state appropriation for fiscal year 2002 and \$125,000 of the general fund--state appropriation for fiscal year 2003 are)~~ (5) \$250,000 of the salmon recovery account appropriation is provided solely for a grant to the lower Skykomish River habitat conservation group for the purpose of developing a salmon recovery plan, in coordination with the lead entity established under chapter 77.85 RCW for that area. The salmon recovery plan must be consistent with the regional recovery plans of the Puget Sound shared strategy and criteria developed by the department for the regional salmon recovery planning program.

~~((8) \$1,000,000 of the water quality--state appropriation is provided solely to fund grants to lead entities established under chapter 77.85 RCW or watershed planning units established under chapter 90.82 RCW that agree to coordinate the development of comprehensive local and regional salmon recovery plans. The department shall establish a model for local and regional plans as well as eligibility and evaluation criteria for distribution of funds to lead entities and watershed planning units. No annual grant shall exceed \$125,000 per year-~~

~~(9))~~ (6) \$91,000 of the warm water game fish account appropriation is provided solely for warm water fish culture at the Rod Meseberg warm water fish production facility.

~~((10) \$300,000)~~ (7) \$200,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$300,000)~~ \$200,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to fund ~~((four))~~ three cooperative compliance programs, ~~((two))~~ both in Western ~~((Washington))~~ and ~~((two in))~~ Eastern Washington. The cooperative compliance program shall conduct fish screen, fish way, and fish passage barrier assessments and correction plans for landowners seeking cooperative compliance agreements with the department.

~~((11) \$1,300,000 of the general fund--state appropriation for fiscal year 2002)~~ (8) \$1,300,000 of the salmon recovery account appropriation, \$400,000 of the general fund--state appropriation for fiscal year 2003, and \$5,000,000 of the general fund--federal appropriation are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.

~~((12) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects-~~

~~(13))~~ (9) \$810,000 of the general fund--state appropriation for fiscal year 2002, \$790,000 of the general fund--state appropriation for fiscal year 2003, and \$250,000 of the wildlife account--state appropriation are provided solely for enforcement and biological staff to respond and take appropriate action to public complaints regarding bear and cougar.

~~((14) The department shall evaluate the fish program to determine if activities are aligned with agency objectives and if specific activities support the agency's strategic plan-~~

~~(15))~~ (10) \$75,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to the department to execute an interagency agreement with the joint legislative audit and review committee to complete an independent organizational and operational review of the fish management division of the fish program. This review shall include:

(a) Identifying those actual functions carried out by the fish management division, including all expenditures by fund source linked to those functions, and the agency's rationale for its current staffing and expenditure levels;

(b) Distinguishing those specific division activities and expenditures that are mandated by court decisions, federal laws or treaties, federal contracts, state laws, and fish and wildlife commission directives, as apart from department discretionary policies;

(c) Reviewing the extent to which division activities and related program expenditures contribute to meeting legislative intent, agency goals, and programmatic objectives; and

(d) Evaluating how performance in meeting intent, goals, and objectives through program activities is measured, reported, and improved.

The committee shall provide a status report on this review to the appropriate legislative policy and fiscal committees by November 1, 2002, and a final report by December 1, 2003.

(11) The department shall implement a lands program manager consolidation program. The consolidation program shall target the department's south central region. The savings from this consolidation shall be used by the department for additional maintenance on agency lands within the south central region.

~~((16))~~ (12) The department shall implement a survey of all agency lands to evaluate whether agency lands support the agency's strategic plan and goals. The department shall submit a report to the governor and legislature by September 1, 2002, identifying those lands not conforming with the agency's strategic plan and which should be divested.

~~((17))~~ (13) \$388,000 of the general fund--state appropriation for fiscal year 2002 and \$388,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the forests and fish agreement and includes funding to continue statewide coordination and implementation of the forests and fish rules, integration of portions of the hydraulic code into the forest practices rules to provide permit streamlining, and sharing the responsibility of developing and implementing the required forests and fish agreement monitoring and adaptive management program.

~~((18))~~ (14) \$194,000 of the general fund--state appropriation for fiscal year 2002 and \$195,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staff to represent the state's fish and wildlife interests in hydroelectric project relicensing processes by the federal energy regulatory commission.

~~((19))~~ (15) \$156,000 of the wildlife account--state appropriation is provided solely for a youth fishing coordinator to develop partnerships with local communities, and to identify, develop, fund, and promote youth fishing events and opportunities. Event coordination and promotion services shall be contracted to a private consultant.

~~((20))~~ (16) \$135,000 of the oyster reserve land account appropriation is provided solely to implement chapter 273, Laws of 2001, Engrossed Second Substitute House Bill No. 1658 (state oyster reserve lands).

~~((21))~~ (17) \$43,000 of the general fund--state appropriation for fiscal year 2002 and \$42,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for staffing and operation of the Tennant Lake interpretive center.

~~((22))~~ (18) \$32,000 of the general fund--state appropriation for fiscal year 2002 and \$33,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

~~((23))~~ (19) \$25,000 of the wildlife account--state appropriation is provided solely for the WildWatchCam program to provide internet transmission of live views of wildlife.

~~((24))~~ (20) \$8,000 of the general fund--state appropriation for fiscal year 2002 and \$7,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the payment of the department's share of approved lake management district assessments. By December 15, 2001, the department shall provide the legislature a summary of its activities related to lake management districts as well as recommendations for establishing equitable lake management district assessments.

(21) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(22) The fish and wildlife commission shall evaluate the adequacy, structure, and amount of fees for hunting and fishing licenses and make recommendations for revision of the fee structure and schedule as appropriate. The evaluation shall consider, but is not limited to: Assessment of the fish and wildlife resource management needs, fees in adjacent states and countries, and efficiencies made possible through automation. The commission shall report to the legislature and the office of financial management by November 1, 2002.

(23) The department shall establish a hydraulic project approval program technical review task force. The task force shall be composed of a balanced representation of both hydraulic project proponents and conservation interests. The task force shall conduct a thorough evaluation of the hydraulic project approval program and make recommendations to the legislature by November 30, 2002, based upon its evaluation. The task force recommendations shall include a potential fee structure and schedule for hydraulic project approval permits.

**Sec. 308.** 2001 2nd sp.s. c 7 s 308 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**  
General Fund--State Appropriation (FY 2002) \$ ~~((36,709,000))~~

35,949,000

General Fund--State Appropriation (FY 2003) \$ ~~((36,266,000))~~

30,465,000

General Fund--Federal Appropriation \$ ~~((3,440,000))~~

10,936,000

General Fund--Private/Local Appropriation \$ ~~((1,865,000))~~

2,265,000

Forest Development Account--State  
Appropriation \$ ~~((52,511,000))~~

50,088,000

Off Road Vehicle Account--State  
Appropriation \$ 3,684,000

Surveys and Maps Account--State  
Appropriation \$ 2,689,000

Aquatic Lands Enhancement Account--State  
Appropriation \$ ~~((4,458,000))~~

3,923,000

Resources Management Cost Account--State  
Appropriation \$ ~~((85,979,000))~~

79,156,000

Surface Mining Reclamation Account--State  
Appropriation \$ ~~((2,549,000))~~

2,416,000

Salmon Recovery Account--State  
Appropriation \$ 625,000

Water Quality Account--State Appropriation \$ 2,900,000  
Aquatic Land Dredged Material Disposal Site

Account--State Appropriation \$ 1,056,000  
Natural Resource Conservation Areas Stewardship

Account Appropriation \$ ~~((34,000))~~

209,000

State Toxics Account--State Appropriation \$ 1,865,000

Air Pollution Control Account--State  
Appropriation \$ 629,000

Metals Mining Account--State Appropriation \$ 64,000  
Agricultural College Trust Management Account

Appropriation \$ 1,790,000  
Derelict Vessel Removal Account--State

Appropriation \$ 89,000

TOTAL APPROPRIATION \$ ~~((237,248,000))~~

230,798,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$18,000 of the general fund--state appropriation for fiscal year 2002, \$18,000 of the general fund--state appropriation for fiscal year 2003, and \$998,000 of the aquatic lands enhancement account appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DNR-01, DNR-02, and DNR-04.

(2)(a) \$625,000 of the salmon recovery account appropriation, \$1,250,000 of the general fund--state appropriation for fiscal year 2002, \$1,250,000 of the general fund--state appropriation for fiscal year 2003, and \$2,900,000 of the water quality account--state appropriation are provided solely for implementation of chapter 4, Laws of 1999 sp. sess. (forest practices and salmon recovery).

(b) \$250,000 of the salmon recovery account appropriation is provided solely for and shall be expended to develop a small forest landowner data base in ten counties. \$150,000 of the amount in this subsection shall be used to purchase the data. \$100,000 of the amount in this subsection shall purchase contracted analysis of the data.

(3) \$2,000,000 of the forest development account appropriation is provided solely for road decommissioning, maintenance, and repair in the Lake Whatcom watershed.

(4) \$543,000 of the forest fire protection assessment account appropriation, \$22,000 of the forest development account appropriation, and \$76,000 of the resource management cost account appropriation are provided solely to implement chapter 279, Laws of 2001, Substitute House Bill No. 2104, (modifying forest fire protection assessments).

(5) ~~(\$895,000)~~ \$354,000 of the general fund--state appropriation for fiscal year 2002 and \$895,000 of the general fund--state appropriation for fiscal year 2003 shall be transferred to the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

~~((7))~~ (6) \$4,000 of the general fund--state appropriation for fiscal year 2002 and \$4,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.12.055.

~~((8) The appropriation from the off road vehicle account state is provided under RCW 46.09.170(1)(a)(ii) and is provided solely for projects that bring off road vehicle recreation facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources.~~

~~(9))~~ (7) \$828,000 of the surface mine reclamation account appropriation is provided to implement Engrossed House Bill No. 1845 (surface mining fees). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

~~((10))~~ (8) \$800,000 of the aquatic lands enhancement account appropriation and \$200,000 of the resources management cost account appropriation are provided solely to improve asset management on state-owned aquatic lands. The department shall streamline the use authorization process for businesses operating on state-owned aquatic lands and issue decisions on 325 pending lease applications by June 30, ~~((2002))~~ 2003. The department, in consultation with the attorney general, shall develop a strategic program to resolve claims related to contaminated sediments on state-owned aquatic lands.

~~((14))~~ (9) \$246,000 of the resource management cost account appropriation is provided to the department for continuing control of spruce budworm.

~~((12))~~ (10) \$100,000 of the aquatic lands enhancement account is provided solely for the development and initial implementation of a statewide management plan for marine reserves.

~~((13))~~ (11) \$7,657,859 of the general fund--state appropriation for fiscal year 2002 and ~~(\$7,657,859)~~ \$4,153,859 of the general fund--state appropriation for fiscal year 2003 are provided solely for emergency fire suppression.

~~((14))~~ (12) \$7,216,000 of the general fund--state appropriation for fiscal year 2002 and \$6,584,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for fire protection activities and to implement provisions of the 1997 tridata fire program review.

~~((15) \$275,000)~~ (13) \$100,000 of the general fund--state appropriation for fiscal year 2002, ~~(\$275,000 of the general fund--state appropriation for fiscal year 2003, and)~~ \$550,000 of the aquatic lands enhancement account--state appropriation, and \$209,000 of the natural resources conservation areas stewardship account--state appropriation are provided solely to the department for planning, management, and stewardship of natural area preserves and natural resources conservation areas.

~~((16))~~ (14) \$187,000 of the general fund--state appropriation for fiscal year 2002~~((=))~~ and \$188,000 of the general fund--state appropriation for fiscal year 2003~~((= and \$375,000 of the aquatic lands enhancement account--state appropriation))~~ are provided solely to the department for maintenance and stewardship of public lands.

~~((17))~~ (15) \$100,000 of the general fund--state appropriation for fiscal year 2002, \$100,000 of the general fund--state appropriation for fiscal year 2003, and \$400,000 of the aquatic lands enhancement account appropriation are provided solely for spartina control.

(16) Fees approved by the board of natural resources for filing and recording surveys are authorized to exceed the fiscal growth factor under RCW 43.135.055 for 2002.

(17) The entire state toxics control account appropriation is provided solely for the department to meet its settlement obligation with the U.S. Environmental Protection Agency for the clean-up of the Thea Foss Waterway.

(18) In managing natural resources conservation areas and recreation sites in the San Juan Islands, the department shall employ cost-recovery methods comparable to those employed at similarly situated state park facilities.

(19) \$250,000 of the resource management cost account--state appropriation and \$250,000 of the forest development account--state appropriation are deposited in the contract harvesting revolving account--nonappropriated to implement Substitute Senate Bill No. 6257 (contract harvesting). If Substitute Senate Bill No. 6257 is not enacted the deposit in this subsection shall not occur.

(20) Within the amounts appropriated in this section, the department shall review the current procedures used to mobilize resources to fight forest fires under the state mobilization plan and through the department of natural resources. The review must include recommendations to ensure that the people closest to a fire are called first, to allow private contractors to be mobilized under the state mobilization plan, and to identify other efficiencies. The department shall review recent studies regarding ways to improve forest fire fighting in the state. The department shall consult with representatives of private contractors, fire districts, municipal fire departments, the state fire marshal, appropriate federal agencies, and other interested groups in developing the recommendations. The department shall report their findings and recommendations to the appropriate committees of the legislature by January 1, 2003.

(21) \$4,000,000 of the resource management cost account appropriation is provided solely for the purposes of RCW 79.64.020 and is contingent upon the establishment, management, and protection of the following marine reserves: Tidelands and bedlands adjacent to Cherry Point in Whatcom county; tidelands and bedlands surrounding Maury Island in King county; tidelands, bedlands, harbor areas, and waterways adjacent to the Puyallup River delta, within Commencement Bay in Pierce county; tidelands and bedlands surrounding Cypress Island in Skagit county; and tidelands and bedlands within Fidalgo Bay in Skagit county.

(22) Within the amounts appropriated in this section, the department shall update the Washington State University asset diversification plan to diversify at least ten percent of the commercial forest land base within ten years and report recommendations for implementing the plan to the appropriate committees of the legislature by December 1, 2002.

Sec. 309. 2001 2nd sp.s. c 7 s 309 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF AGRICULTURE**

General Fund--State Appropriation (FY 2002) \$ <del>((8,165,000))</del>	<u>7,815,000</u>
General Fund--State Appropriation (FY 2003) \$ <del>((8,024,000))</del>	<u>7,434,000</u>
General Fund--Federal Appropriation \$ <del>((4,636,000))</del>	<u>7,441,000</u>
General fund--Private/Local Appropriation \$ 1,110,000	
Aquatic Lands Enhancement Account--State Appropriation \$ 2,304,000	
State Toxics Control Account--State Appropriation \$ <del>((2,672,000))</del>	<u>2,917,000</u>

TOTAL APPROPRIATION \$ ~~((26,911,000))~~

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,000 of the general fund--state appropriation for fiscal year 2002 and \$37,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for implementation of the Puget Sound work plan and agency action item DOA-01.

(2) ~~(\$832,000)~~ \$1,077,000 of the state toxics control account appropriation and \$298,000 of the agricultural local account are provided solely to establish a program to monitor pesticides in surface water, sample and analyze surface waters for pesticide residues, evaluate pesticide exposure on salmon species listed under the provisions of the endangered species act, and implement actions needed to protect salmonids.

(3) \$1,480,000 of the aquatic lands enhancement account appropriation is provided solely to initiate a ~~((four-year))~~ plan to eradicate infestations of spartina in Puget Sound, Hood Canal, and Grays Harbor and begin the reduction in spartina infestations in Willapa Bay.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2002, \$75,000 of the general fund--state appropriation for fiscal year 2003, and \$150,000 of the general fund--federal appropriation are provided solely to the small farm and direct marketing program to support small farms in complying with federal, state, and local regulations, facilitating access to food processing centers, and assisting with grant funding requests.

(5) ~~(\$350,000 of the general fund--state appropriation for fiscal year 2002, \$350,000 of the general fund--state appropriation for fiscal year 2003,)~~ \$700,000 of the general fund--federal appropriation and \$700,000 of the general fund--private/local appropriation are provided solely to implement chapter 324, Laws of 2001 (Substitute House Bill No. 1891, marketing of agriculture). ~~((Of these amounts, \$40,000 of the general fund--state appropriation is provided solely to match funds provided by the red raspberry commission to address unfair trade practices by other countries that result in sales in Washington that are below the cost of production in Washington.))~~

(6) \$450,000 of the state toxics control account--state appropriation is provided solely for deposit in the agricultural local nonappropriated account for the plant pest account to reimburse county horticultural pest and disease boards for the costs of pest control activities, including tree removal, conducted under their existing authorities in chapters 15.08 and 15.09 RCW.

(7) The district manager for district two as defined in WAC 16-458-075 shall transfer four hundred fifty thousand dollars from the fruit and vegetable district fund to the plant pest account within the agricultural local fund. The amount transferred must be derived from fees collected for state inspections of tree fruits and shall be used solely to reimburse county horticultural pest and disease boards in district two for the cost of pest control activities, including tree removal, conducted under their existing authority in chapters 15.08 and 15.09 RCW. The transfer of funds shall occur by July 1, 2001. On June 30, 2003, any unexpended portion of the four hundred fifty thousand dollars shall be returned to the fruit and vegetable district fund.

#### PART IV TRANSPORTATION

**Sec. 401.** 2001 2nd sp.s. c 7 s 401 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING**

General Fund--State Appropriation (FY 2002) \$ <del>((5,389,000))</del>	<u>5,366,000</u>
General Fund--State Appropriation (FY 2003) \$ <del>((5,377,000))</del>	<u>5,300,000</u>
Architects' License Account--State Appropriation \$ <del>((707,000))</del>	<u>684,000</u>
Cemetery Account--State Appropriation \$ <del>((214,000))</del>	<u>200,000</u>
Professional Engineers' Account--State Appropriation \$ <del>((3,032,000))</del>	<u>3,102,000</u>
Real Estate Commission--State Appropriation \$ <del>((6,777,000))</del>	<u>6,837,000</u>
Master License Account--State Appropriation \$ <del>((8,409,000))</del>	<u>8,278,000</u>
Uniform Commercial Code Account--State Appropriation \$ <del>((3,404,000))</del>	<u>2,900,000</u>
Real Estate Education Account--State Appropriation \$ <del>((304,000))</del>	<u>276,000</u>
Funeral Directors and Embalmers Account--State Appropriation \$ <del>((490,000))</del>	<u>459,000</u>
Washington Real Estate Research Account Appropriation \$ <del>((316,000))</del>	<u>307,000</u>
Data Processing Revolving Account--State Appropriation \$ 23,000	
<u>Derelict Vessel Removal Account--State</u> <u>Appropriation \$ 86,000</u>	
TOTAL APPROPRIATION \$ <del>((34,139,000))</del>	<u>33,818,000</u>

The appropriations in this section are subject to the following conditions and limitations: In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2001-03 fiscal biennium. Pursuant to RCW 43.135.055, during the 2001-03 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

**Sec. 402.** 2001 2nd sp.s. c 7 s 402 (uncodified) is amended to read as follows:

**FOR THE STATE PATROL**

General Fund--State Appropriation (FY 2002) \$ ((21,890,000))	
General Fund--State Appropriation (FY 2003) \$ ((8,066,000))	<u>21,567,000</u>
General Fund--Federal Appropriation \$ 4,178,000	
General Fund--Private/Local Appropriation \$ 369,000	
Death Investigations Account--State Appropriation \$ ((3,899,000))	<u>7,933,000</u>
Public Safety and Education Account--State Appropriation \$ ((16,070,000))	<u>4,024,000</u>
County Criminal Justice Assistance Account--State Appropriation \$ ((2,490,000))	<u>14,769,000</u>
Municipal Criminal Justice Assistance Account-- State Appropriation \$ ((987,000))	<u>2,870,000</u>
Fire Service Trust Account--State Appropriation \$ 125,000	<u>1,367,000</u>
Fire Service Training Account--State Appropriation \$ 6,328,000	
State Toxics Control Account--State Appropriation \$ 461,000	
Violence Reduction and Drug Enforcement Account-- State Appropriation \$ ((277,000))	<u>274,000</u>
Fingerprint Identification Account--State Appropriation \$ ((3,684,000))	<u>5,316,000</u>
TOTAL APPROPRIATION \$ ((68,824,000))	<u>69,581,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$354,000 of the public safety and education account appropriation is provided solely for additional law enforcement and security coverage on the west capitol campus.

(2) When a program within the agency is supported by more than one fund and one of the funds is the state general fund, the agency shall charge its expenditures in such a manner as to ensure that each fund is charged in proportion to its support of the program. The agency may adopt guidelines for the implementation of this subsection. The guidelines may account for federal matching requirements, budget provisos, or other requirements to spend other moneys in a particular manner.

(3) \$100,000 of the public safety and education account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5896 (DNA testing of evidence). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse.

(4) \$1,419,000 of the public safety and education account--state appropriation is provided solely for combating the proliferation of methamphetamine labs. The amounts in this subsection are provided solely for the following activities: (a) The establishment of a regional methamphetamine enforcement, training, and education program; (b) additional members for the statewide methamphetamine incident response team; and (c) two forensic scientists with the necessary equipment to perform lab analysis in the crime laboratory division.

~~((6) Beginning in fiscal year 2003, the funding provided in this subsection assumes a transfer of \$12,634,000 of state patrol expenditures from the omnibus operating budget to the transportation budget. If new transportation revenue is not enacted before this time, the omnibus budget will restore this funding in the 2002 legislative session.))~~

(5) Within the amounts appropriated in this section, funding is provided to implement Substitute House Bill No. 2468 (offender DNA database).

**PART V  
EDUCATION**

**Sec. 501.** 2001 2nd sp.s. c 7 s 501 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION**

(1) STATE AGENCY OPERATIONS

General Fund--State Appropriation (FY 2002) \$ ((12,357,000))	
General Fund--State Appropriation (FY 2003) \$ ((12,266,000))	<u>12,302,000</u>
General Fund--Federal Appropriation \$ ((23,668,000))	<u>12,000,000</u>
TOTAL APPROPRIATION \$ ((48,291,000))	<u>53,760,000</u>
	<u>78,062,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$11,385,000 of the general fund--state appropriation for fiscal year 2002 and ~~((11,394,000))~~ \$11,101,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Of this amount, a maximum of \$350,000 is provided in each fiscal year for upgrading information systems including the general apportionment and student information systems.

(b) ~~((541,000))~~ \$486,000 of the general fund--state appropriation for fiscal year 2002 and ~~((441,000))~~ \$481,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Of the general fund--state appropriation ~~((for fiscal year 2002))~~, \$100,000 is provided solely for certificate of mastery development and validation.

(c) \$431,000 of the general fund--state appropriation for fiscal year 2002 and (~~(\$431,000)~~) \$418,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operation and expenses of the Washington professional educator standards board.

(d) \$49,000 of the general fund--state appropriation for fiscal year 2003 is provided solely to support the joint task force on local effort assistance created by House Bill No. 3011.

(2) STATEWIDE PROGRAMS

General Fund--State Appropriation (FY 2002) \$ ( <del>(17,274,000)</del> )	<u>17,280,000</u>
General Fund--State Appropriation (FY 2003) \$ ( <del>(19,407,000)</del> )	<u>9,990,000</u>
General Fund--Federal Appropriation \$ ( <del>(213,016,000)</del> )	<u>85,395,000</u>
TOTAL APPROPRIATION \$ ( <del>(249,697,000)</del> )	<u>112,665,000</u>

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

(a) HEALTH AND SAFETY

(i) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 (~~(and a maximum of \$150,000 of the fiscal year 2003 appropriation are)~~) is provided for alcohol and drug prevention programs pursuant to RCW 66.08.180.

(ii) A maximum \$2,621,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$2,621,000)~~) \$2,542,000 of the general fund--state appropriation for fiscal year 2003 are provided for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(iii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$100,000)~~) \$97,000 of the general fund--state appropriation for fiscal year 2003 are provided to create a school safety center subject to the following conditions and limitations.

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center shall be established in the office of the superintendent of public instruction. The superintendent of public instruction shall participate in a school safety center advisory committee that includes representatives of educators, classified staff, principals, superintendents, administrators, the American society for industrial security, the state criminal justice training commission, and others deemed appropriate and approved by the school safety center advisory committee. Members of the committee shall be chosen by the groups they represent. In addition, the Washington association of sheriffs and police chiefs shall appoint representatives of law enforcement to participate on the school safety center advisory committee. The advisory committee shall select a chair.

(C) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iv) A maximum of \$113,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$103,000)~~) \$100,000 of the general fund--state appropriation for fiscal year 2003 are provided for a school safety training program provided by the criminal justice training commission subject to the following conditions and limitations:

(A) The criminal justice training commission with assistance of the school safety center advisory committee established in section 2(b)(iii) of this section shall develop manuals and curricula for a training program for all school safety personnel.

(B) The Washington state criminal justice training commission, in collaboration with the advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(v) A maximum of \$250,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of (~~(\$250,000)~~) \$243,000 of the general fund--state appropriation for fiscal year 2003 are provided for training in school districts regarding the prevention of bullying and harassment. The superintendent of public instruction shall use the funds to develop a model bullying and harassment prevention policy and training materials for school and educational service districts. The information may be disseminated in a variety of ways, including workshops and other staff development activities such as videotape or broadcasts.

(vi) A maximum of (~~(\$6,042,000)~~) \$6,048,000 of the general fund--state appropriation for fiscal year 2002 (~~(and a maximum of \$6,028,000 of the general fund--state appropriation for fiscal year 2003 are)~~) is provided for a safety allocation to districts subject to the following conditions and limitations:

(A) The funds shall be allocated at a maximum rate of \$6.36 per year per full-time equivalent K-12 student enrolled in each school district in the prior school year.

(B) Districts shall expend funds allocated under this section to develop and implement strategies identified in a comprehensive safe school plan pursuant to House Bill No. 1818 (student safety) or Senate Bill No. 5543 (student safety). If neither bill is enacted by June 30, 2001, expenditures of the safety allocation shall be subject to (i), (ii), and (iii) of this subsection (a)(vi)(B).

(i) School districts shall use the funds for school safety purposes and are encouraged to prioritize the use of funds allocated under this section for the development, by September 1, 2002, of school-based comprehensive safe school plans that include prevention, intervention, all-hazards/crisis response, and post crisis recovery components. When developing comprehensive safe school plans, school districts are encouraged to use model school safety plans as developed by the school safety center. Implementation of comprehensive safe school plans may include, but is not limited to, employing or contracting for building security monitors in schools during school hours and school events; research-based early prevention and intervention programs; training for school staff, including security personnel; equipment; school safety hotlines; before, during, and after-school student and staff safety; minor building renovations related to student and staff safety and security; and other purposes identified in the comprehensive safe school plan.

(ii) Each school may conduct an evaluation of its comprehensive safe school plan and conduct reviews, drills, or simulated practices in coordination with local fire, law enforcement, and medical emergency management agencies.

(iii) By September 1, 2002, school districts shall provide the superintendent of public instruction information regarding the purposes for which the safety allocation funding was used and the status of the comprehensive safe school plans for the schools in the school district.

(vii) A maximum of \$200,000 of the general fund--state appropriation for fiscal year 2002, a maximum of (~~(\$200,000)~~) \$194,000 of the general fund--state appropriation for fiscal year 2003, and \$400,000 of the general fund--federal appropriation transferred from the department of health are provided for a program that provides grants to school districts for media campaigns promoting sexual abstinence

and addressing the importance of delaying sexual activity, pregnancy, and childbearing until individuals are ready to nurture and support their children. Grants to the school districts shall be for projects that are substantially designed and produced by students. The grants shall require a local private sector match equal to one-half of the state grant, which may include in-kind contribution of technical or other assistance from consultants or firms involved in public relations, advertising, broadcasting, and graphics or video production or other related fields.

(viii) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of ~~(((\$150,000))~~ \$145,000 of the general fund--state appropriation for fiscal year 2003 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide the following:

(A) Statewide nonviolence leadership coaches training program for certification of educational employees and community members in nonviolence leadership workshops;

(B) Statewide leadership nonviolence student exchanges, training, and speaking opportunities for student workshop participants;

and  
(C) A request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(ix) A maximum of \$1,500,000 of the general fund--state appropriation for fiscal year 2002 ~~((and a maximum of \$1,500,000 of the general fund--state appropriation for fiscal year 2003 are))~~ is provided for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. Allocation of this money to school districts shall be based on the number of petitions filed.

(b) TECHNOLOGY

(i) A maximum of \$2,000,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of ~~(((\$2,000,000))~~ \$1,940,000 of the general fund--state appropriation for fiscal year 2003 are provided for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network. A maximum of \$650,000 of this amount may be expended for state-level administration and staff training on the K-20 network.

(ii) A maximum of \$617,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of ~~(((\$1,112,000))~~ \$1,079,000 of the general fund--state appropriation for fiscal year 2003 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(iii) \$92,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for a study of technology in the public schools subject to the following conditions and limitations:

(A) The superintendent shall convene a technology in education task force to develop recommendations about the use of technology and recommendations about funding technology in the schools after conducting a study. The study shall focus on the application of technology in grades three through twelve. The study shall be completed not later than November 1, 2002, and the recommendations shall be submitted to the education and fiscal committees of the house of representatives and the senate. The study shall include but not be limited to:

(1) The technology currently available in schools and school districts. Technology includes but is not limited to computers, local area networks, and access to electronic media on the internet;

(2) Methods school districts are using currently to fund technology and recommendations for the future;

(3) Plans to update the technology including any replacement schedules;

(4) Training in the use of technology;

(5) Integration of technology into the curriculum;

(6) The different uses of technology in upper elementary grades, middle school, and high school; and

(7) Applications of technology in schools in other states and how that technology is funded.

(B) The technology in education task force shall consist of the following voting members or their designees: One member from each major caucus of the senate, appointed by the president of the senate; one member from each major caucus of the house of representatives, appointed by the speaker of the house of representatives; the superintendent of public instruction; the chair of the information services board; one representative of the community and technical colleges, appointed by the state board for community and technical colleges; one educational service district superintendent, one school district superintendent, one principal, and one teacher, each appointed by the superintendent of public instruction; two representatives appointed by the higher education coordinating board; and three representatives of the computer or digital technology industry and three members of the general public, each appointed by the superintendent of public instruction. The superintendent of public instruction, or designee, shall chair the task force.

(c) GRANTS AND ALLOCATIONS

(i) A maximum of \$25,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of ~~(((\$1,975,000))~~ \$1,916,000 of the general fund--state appropriation for fiscal year 2003 are provided for Senate Bill No. 5695 (alternative certification routes). If the bill is not enacted by June 30, 2001, the amount provided in this subsection shall lapse. The stipend allocation per teacher candidate and mentor pair shall not exceed ~~(((\$28,318))~~ \$28,300. The professional educator standards board shall report to the education committees of the legislature by December 15, 2002, on the districts applying for partnership grants, the districts receiving partnership grants, and the number of interns per route enrolled in each district.

(ii) A maximum of \$31,500 of the general fund--state appropriation for fiscal year 2002 and a maximum of ~~(((\$31,500))~~ \$31,000 of the general fund--state appropriation for fiscal year 2003 are provided for operation of the Cispus environmental learning center.

(iii) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of ~~(((\$150,000))~~ \$146,000 of the general fund--state appropriation for fiscal year 2003 are provided for the Washington civil liberties education program.

(iv) A maximum of \$2,150,000 of the general fund--state appropriation for fiscal year 2002 ~~((and a maximum of \$2,150,000 of the general fund--state appropriation for fiscal year 2003 are))~~ is provided for complex need grants. The maximum grants for eligible districts are specified in LEAP Document 30C as developed on April 27, 1997, at 03:00 hours.

(v) A maximum of \$1,377,000 of the general fund--state appropriation for fiscal year 2002 ~~((and a maximum of \$1,377,000 of the general fund--state appropriation for fiscal year 2003 are))~~ is provided for educational centers, including state support activities. ~~(((\$100,000))~~ \$50,000 of this amount for fiscal year 2002 is provided to help stabilize funding through distribution among existing education centers that are currently funded by the state at an amount less than ~~(((\$100,000 a biennium))~~ \$50,000 a fiscal year.

(vi) A maximum of \$50,000 of the general fund--state appropriation for fiscal year 2002 ~~((and a maximum of \$50,000 of the general fund--state appropriation for fiscal year 2003 are))~~ is provided for an organization in southwest Washington that received funding from the Spokane educational center in the 1995-97 biennium and provides educational services to students who have dropped out of school.

(vii) A maximum of \$1,262,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of ~~(((\$1,262,000))~~ \$1,224,000 of the general fund--state appropriation for fiscal year 2003 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(viii) A maximum of \$100,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of ~~(((\$100,000))~~ \$97,000 of the general fund--state appropriation for fiscal year 2003 are provided to support vocational student leadership organizations.

(ix) \$9,900,000 of the general fund--federal appropriation is provided for the Washington Reads project to enhance high quality reading instruction and school programs.

(x) A maximum of \$150,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of ~~(\$150,000)~~ \$146,000 of the general fund--state appropriation for fiscal year 2003 are provided for the World War II oral history project.

(xi) ~~(\$30,700,000)~~ \$13,942,000 of the general fund--federal appropriation is provided for school renovation grants for school districts with urgent school renovation needs, special education-related renovations, and technology related renovations.

(xii) ~~(\$1,952,000)~~ \$4,962,000 of the general fund--federal appropriation is provided for LINKS technology challenge grants to integrate educational reform with state technology systems and development of technology products that enhance professional development and classroom instruction.

(xiii) ~~(\$423,000)~~ \$536,000 of the general fund--federal appropriation is provided for the advanced placement fee program to increase opportunities for low-income students and under-represented populations to participate in advanced placement courses and to increase the capacity of schools to provide advanced placement courses to students.

(xiv) \$12,318,000 of the general fund--federal appropriation is provided for comprehensive school reform demonstration projects to provide grants to low-income schools for improving student achievement through adoption and implementation of research-based curricula and instructional programs.

(xv) ~~(\$4,228,000)~~ \$2,612,000 of the general fund--federal appropriation is provided for teacher quality enhancement through provision of consortia grants to school districts and higher education institutions to improve teacher preparation and professional development.

Sec. 502. 2001 2nd sp.s. c 7 s 502 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT**

General Fund--State Appropriation (FY 2002) \$ ~~(3,760,826,000)~~

3,786,124,000

General Fund--State Appropriation (FY 2003) \$ ~~(3,751,350,000)~~

3,711,897,000

TOTAL APPROPRIATION \$ ~~(7,512,176,000)~~

7,498,021,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2001-02 and 2002-03 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (d) through (f) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (f) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) 49 certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(v) For class size reduction and expanded learning opportunities under the better schools program, an additional 2.2 certificated instructional staff units for the 2001-02 school year and an additional 0.8 certificated instructional staff units for the 2002-03 school year for grades K-4 per thousand full-time equivalent students. Funds allocated for these additional certificated units shall not be considered as basic education funding. The allocation may be used for reducing class sizes in grades K-4 or to provide additional classroom contact hours for kindergarten, before-and-after-school programs, weekend school programs, summer school programs, and intercession opportunities to assist elementary school students in meeting the essential academic learning requirements and student assessment performance standards. For purposes of this subsection, additional classroom contact hours provided by teachers beyond the normal school day under a supplemental contract shall be converted to a certificated full-time equivalent by dividing the classroom contact hours by 900.

(A) Funds provided under this subsection (2)(a)(iv) and (v) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students ~~(in grades K-4) in the 2001-02 school year and 54.0 certificated instructional staff per thousand full-time equivalent students in the 2002-03 school year.~~ For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 55.4 funding ratio in the 2001-02 school year, and up to 1.3 of the 54.0 funding ratio in the 2002-03 school year, to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 55.4 certificated instructional staff per thousand full-time equivalent students ~~(in grades K-4) in the 2001-02 school year, and a ratio equal to or greater than 54.0 certificated instructional staff per thousand full-time equivalent students in the 2002-03 school year,~~ may use allocations generated under this subsection (2)(a)(iv) and (v) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) and (v) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students; ~~(and)~~

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) For the 2002-03 school year, indirect cost charges by a school district to vocational-secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students(-);

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2001-02 and 2002-03 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(d) through (h) of this section, one classified staff unit for each three certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each sixty average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of ~~((44-27))~~ 10.76 percent in the 2001-02 school year and ~~((44-27))~~ 9.57 percent in the 2002-03 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of ~~((42-92))~~ 12.73 percent in the 2001-02 school year and ~~((42-92))~~ 12.36 percent in the 2002-03 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(3) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$8,519 per certificated staff unit in the 2001-02 school year and a maximum of ~~((8,745))~~ \$8,604 per certificated staff unit in the 2002-03 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$20,920 per certificated staff unit in the 2001-02 school year and a maximum of ~~((21,404))~~ \$21,129 per certificated staff unit in the 2002-03 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$16,233 per certificated staff unit in the 2001-02 school year and a maximum of ~~((16,606))~~ \$16,395 per certificated staff unit in the 2002-03 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$494.34 for the 2001-02 and 2002-03 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) The superintendent may distribute a maximum of ~~((6,510,000))~~ \$6,424,000 outside the basic education formula during fiscal years 2002 and 2003 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$480,000 may be expended in fiscal year 2002 and a maximum of ~~(\$491,000)~~ \$485,000 may be expended in fiscal year 2003;

(b) For summer vocational programs at skills centers, a maximum of \$2,098,000 may be expended ~~(each)~~ for the 2001-02 fiscal year and a maximum of \$2,035,000 for the 2003 fiscal year;

(c) A maximum of ~~(\$343,000)~~ \$341,000 may be expended for school district emergencies; and

(d) A maximum of \$500,000 ~~(per)~~ for fiscal year 2002 and \$485,000 for fiscal year 2003 may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student in state basic education appropriations provided under this act, including appropriations for salary and benefits increases, is 2.5 percent from the 2000-01 school year to the 2001-02 school year ~~(and 3.3 percent from the 2000-01 school year to the 2002-03 school year).~~

(11) For purposes of RCW 84.52.0531, the increase in appropriations per full-time equivalent student provided in this act, including appropriations for salary and benefits increases, is 2.9 percent from the 2001-02 school year to the 2002-03 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

**Sec. 503.** 2001 2nd sp.s. c 7 s 503 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION.** (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) For school year 2001-02, salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E for the appropriate year, by the district's average staff mix factor for basic education and special education certificated instructional staff in that school year, computed using LEAP Document 1S; ~~(and)~~

(b) For school year 2002-03, salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 12E for the appropriate year, by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1S; and

(c) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 12E for the appropriate year.

(2) For the purposes of this section:

(a) "Basic education certificated instructional staff" is defined as provided in RCW 28A.150.100 and "special education certificated staff" means staff assigned to the state-supported special education program pursuant to chapter 28A.155 RCW in positions requiring a certificate;

(b) "LEAP Document 1S" means the computerized tabulation establishing staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 25, 1999, at 16:55 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 2001-02 and 2002-03 school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on ~~(March 13, 2001, at 16:32 hours)~~ March 11, 2002, at 22:32 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of ~~((40-63))~~ 10.12 percent for school year(s) 2001-02 and 8.93 percent for school year 2002-03 for certificated staff and ~~((9-42))~~ 9.23 percent for school year(s) 2001-02 and 8.86 percent for the 2002-03 ~~(for classified staff)~~ school year.

(4)(a) Pursuant to RCW 28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

K-12 Salary Schedule for Certificated Instructional Staff  
2001-02 School Year

Years of Service	BA	BA+ 15	BA+ 30	BA+ 45	BA+ 90
0	27,467	28,209	28,977	29,746	32,219
1	27,836	28,588	29,366	30,171	32,668
2	28,464	29,231	30,025	30,900	33,414
3	29,401	30,192	31,009	31,931	34,490
4	30,063	30,896	31,727	32,689	35,290
5	30,750	31,595	32,443	33,468	36,085
6	31,147	31,974	32,850	33,928	36,531
7	32,164	33,010	33,909	35,055	37,724
8	33,195	34,088	35,008	36,248	38,954
9	35,205	36,169	37,455	40,223	
10	37,344	38,724	41,529		
11	40,029	42,895			
12	41,293	44,298			
13	45,736				
14	47,181				
15	48,408				
16 or more	49,376				

Years of Service MA+ 90  
BA+ 135 MA MA+ 45 or PHD

0 33,811 32,931 35,403 36,996  
 1 34,252 33,297 35,793 37,377  
 2 35,030 33,995 36,509 38,124  
 3 36,177 35,027 37,585 39,273  
 4 37,007 35,755 38,355 40,072  
 5 37,853 36,503 39,121 40,889  
 6 38,308 36,904 39,508 41,285  
 7 39,569 38,031 40,700 42,546  
 8 40,867 39,225 41,930 43,843  
 9 42,201 40,430 43,200 45,177  
 10 43,572 41,700 44,505 46,549  
 11 44,979 43,005 45,872 47,956  
 12 46,446 44,362 47,275 49,422  
 13 47,947 45,766 48,712 50,923  
 14 49,505 47,212 50,251 52,481  
 15 50,792 48,439 51,557 53,846  
 16 or more 51,808 49,407 52,589 54,923

K-12 Allocation Salary Schedule For Certificated Instructional Staff  
 2002-03 School Year

((Years of  
 Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0 28,318 29,083 29,875 30,668 33,217  
 1 28,699 29,473 30,276 31,106 33,680  
 2 29,345 30,137 30,955 31,857 34,449  
 3 30,312 31,127 31,970 32,920 35,559  
 4 30,994 31,854 32,710 33,702 36,383  
 5 31,703 32,574 33,448 34,505 37,203  
 6 32,112 32,964 33,868 34,979 37,663  
 7 33,160 34,033 34,959 36,141 38,893  
 8 34,223 35,145 36,092 37,372 40,161  
 9 36,295 37,289 38,616 41,470  
 10 38,501 39,923 42,815  
 11 41,269 44,225  
 12 42,572 45,671  
 13 47,153  
 14 48,642  
 15 49,907  
 16 or more 50,906

Years of MA+ 90  
 Service BA+ 135 MA MA+ 45 or PHD

0 34,859 33,951 36,500 38,142  
 1 35,313 34,328 36,902 38,535  
 2 36,116 35,048 37,640 39,305  
 3 37,298 36,112 38,750 40,490  
 4 38,153 36,863 39,544 41,314  
 5 39,026 37,634 40,333 42,156  
 6 39,495 38,047 40,732 42,564  
 7 40,795 39,210 41,961 43,864  
 8 42,133 40,440 43,229 45,201  
 9 43,509 41,683 44,538 46,577  
 10 44,922 42,992 45,884 47,991  
 11 46,373 44,337 47,293 49,442  
 12 47,885 45,736 48,739 50,953  
 13 49,432 47,184 50,221 52,501  
 14 51,039 48,675 51,808 54,107  
 15 52,366 49,940 53,155 55,514  
 16 or more 53,413 50,938 54,218 56,624))

Years of  
 Service BA BA+ 15 BA+ 30 BA+ 45 BA+ 90

0 28,300 29,064 29,856 30,649 33,196  
 1 28,680 29,455 30,257 31,086 33,659  
 2 29,327 30,117 30,936 31,837 34,428  
 3 30,293 31,107 31,950 32,899 35,536  
 4 30,975 31,833 32,690 33,681 36,360  
 5 31,682 32,553 33,427 34,483 37,179  
 6 32,091 32,943 33,847 34,956 37,639  
 7 33,139 34,012 34,937 36,118 38,868  
 8 34,202 35,122 36,069 37,348 40,135  
 9 36,272 37,266 38,591 41,443

10	38,477	39,898	42,788
11	41,243	44,196	
12	42,545	45,642	
13	47,123		
14	48,611		
15	49,876		
16 or more	50,873		

Years of MA+ 90  
Service BA+ 135 MA MA+ 45 or PHD

0	34,836	33,929	36,476	38,118
1	35,291	34,306	36,879	38,510
2	36,093	35,025	37,616	39,280
3	37,274	36,089	38,725	40,464
4	38,129	36,840	39,519	41,288
5	39,001	37,610	40,307	42,129
6	39,470	38,023	40,706	42,537
7	40,769	39,185	41,934	43,836
8	42,106	40,414	43,202	45,172
9	43,481	41,656	44,510	46,548
10	44,894	42,964	45,855	47,960
11	46,344	44,309	47,263	49,410
12	47,854	45,707	48,708	50,921
13	49,401	47,154	50,189	52,467
14	51,006	48,644	51,775	54,073
15	52,333	49,908	53,121	55,479
16 or more	53,379	50,906	54,183	56,588

(b) As used in this subsection, the column headings "BA+ (N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+ (N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
  - (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.
- (5) For the purposes of this section:
- (a) "BA" means a baccalaureate degree.
  - (b) "MA" means a masters degree.
  - (c) "PHD" means a doctorate degree.
  - (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.
  - (e) "Credits" means college quarter hour credits and equivalent in-service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(7) The certificated instructional staff base salary specified for each district in LEAP Document 12E and the salary schedules in subsection (4)(a) of this section include three learning improvement days ~~((originally added in the 1999-00 school year))~~ for the 2001-02 school year and two days for the 2002-03 school year. A school district is eligible for the learning improvement day funds for school years 2001-02 and 2002-03, only if ~~((three))~~ the learning improvement days have been added to the 180-day contract year. If fewer ~~((than three))~~ days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be for activities related to improving student learning consistent with education reform implementation, and shall not be considered part of basic education. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection.

(8) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

Sec. 504. 2001 2nd sp.s. c 7 s 504 (uncodified) is amended to read as follows:

<b>FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS</b>	
General Fund--State Appropriation (FY 2002) \$ <del>((124,130,000))</del>	124,903,000
General Fund--State Appropriation (FY 2003) \$ <del>((274,529,000))</del>	255,910,000
General Fund--Federal Appropriation (FY 2003) \$ 191,000	
TOTAL APPROPRIATION \$ <del>((398,659,000))</del>	381,004,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((318,024,000))~~ A total of \$329,316,000 is provided for a cost of living adjustment for state formula staff units of 3.7 percent effective September 1, 2001, and ~~((another salary adjustment))~~ 3.6 percent effective on September 1, 2002, ~~((in a percentage amount to be determined by the 2002 legislature))~~ consistent with the provisions of chapter 4, Laws of 2001 (Initiative Measure No. 732). The appropriations include associated incremental fringe benefit allocations at rates of ~~((40.63))~~ 10.12 percent for school year(s) 2001-02 and 8.93 percent for school year 2002-03 for certificated staff and ~~((9.42))~~ 9.23 percent for school year(s) 2001-02 and 8.86 for school year 2002-03 for classified staff.

(a) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act, in accordance with chapter 4, Laws of 2001 (Initiative Measure No. 732). Salary

adjustments for state employees in the office of superintendent of public instruction and the education reform program are provided in part VII of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in section 502 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in section 502 of this act.

(b) The appropriations in this section provide cost-of-living and incremental fringe benefit allocations based on formula adjustments as follows:

School Year		
2001-02	2002-03	
Pupil Transportation (per weighted pupil mile)	\$ 0.77	<del>\$(4.44)</del>
		<u>1.54</u>
Highly Capable (per formula student)	<del>\$(8.75)</del>	<del>\$(16.35)</del>
	<u>8.71</u>	<u>16.70</u>
Transitional Bilingual Education (per eligible bilingual student)	<del>\$(22.73)</del>	<del>\$(42.48)</del>
	<u>22.63</u>	<u>44.74</u>
Learning Assistance (per entitlement unit)	<del>\$(11.23)</del>	<del>\$(20.99)</del>
	<u>11.19</u>	<u>22.26</u>
Substitute Teacher (allocation per teacher, section 502(7))	\$ 18.29	<del>\$(34.18)</del>
		<u>36.75</u>

(2) This act appropriates general fund--state funds and other funds for the purpose of providing the annual salary cost-of-living increase required by section 2, chapter 4, Laws of 2001 (Initiative Measure No. 732) for teachers and other school district employees in the state-funded salary base. For employees not included in the state-funded salary base, the annual salary cost-of-living increase may be provided by school districts from the federal funds appropriated in this act and local revenues, including the adjusted levy base as provided in RCW 84.52.053 and section 502 of this act, and state discretionary funds provided under this act.

(3) ~~\$(80,635,000)~~ \$51,688,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$427.73 per month for the 2001-02 and 2002-03 school years. The appropriations in this section provide for a rate increase to \$455.27 per month for the 2001-02 school year and ~~\$(493.59)~~ \$457.07 per month for the 2002-03 school year at the following rates:

School Year		
2001-02	2002-03	
Pupil Transportation (per weighted pupil mile)	\$ 0.25	<del>\$(0.60)</del>
		<u>0.27</u>
Highly Capable (per formula student)	\$ 1.74	<del>\$(4.18)</del>
		<u>1.81</u>
Transitional Bilingual Education (per eligible bilingual student)	\$ 4.46	<del>\$(10.66)</del>
		<u>4.75</u>
Learning Assistance (per entitlement unit)	\$ 3.51	<del>\$(8.38)</del>
		<u>3.73</u>

(4) The rates specified in this section are subject to revision each year by the legislature.

Sec. 505. 2001 2nd sp.s. c 7 s 505 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION**

General Fund--State Appropriation (FY 2002) <del>\$(193,198,000)</del>	<u>192,402,000</u>
General Fund--State Appropriation (FY 2003) <del>\$(194,293,000)</del>	<u>193,293,000</u>
<b>TOTAL APPROPRIATION <del>\$(387,491,000)</del></b>	<u><b>385,695,000</b></u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and prior fiscal year adjustments.

(2) A maximum of \$767,000 of this fiscal year 2002 appropriation and a maximum of ~~\$(785,000)~~ \$752,000 of the fiscal year 2003 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) ~~\$(15,000)~~ \$5,000 of the fiscal year 2002 appropriation and ~~\$(20,000)~~ \$5,000 of the fiscal year 2003 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of ~~\$(37.11)~~ \$37.07 per weighted mile in the 2001-02 school year and ~~\$(37.38)~~ \$37.12 per weighted mile in the 2002-03 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

Sec. 506. 2001 2nd sp.s. c 7 s 507 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2002) \$ ~~((419,264,000))~~

420,165,000

General Fund--State Appropriation (FY 2003) \$ ~~((420,644,000))~~

408,761,000

General Fund--Federal Appropriation \$ ~~((256,092,000))~~

256,407,000

TOTAL APPROPRIATION \$ ~~((1,096,000,000))~~

1,085,333,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) Effective with the 2001-02 school year, the superintendent of public instruction shall change the S-275 personnel reporting system and all related accounting requirements to ensure that:

(i) Special education students are basic education students first;

(ii) As a class, special education students are entitled to the full basic education allocation; and

(iii) Special education students are basic education students for the entire school day.

(b) Effective with the 2001-02 school year, the S-275 and accounting changes shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each ~~((general fund--state))~~ fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: The optional birth through age two program for special education eligible developmentally delayed infants and toddlers, and the mandatory special education program for special education eligible students ages three to twenty-one. A "special education eligible student" means a student receiving specially designed instruction in accordance with a properly formulated individualized education program.

(5)(a) For the 2001-02 and 2002-03 school years, the superintendent shall ~~((distribute state funds))~~ make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of developmentally delayed infants and toddlers ages birth through two, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age two enrollment, as a percent of the district's annual average full-time equivalent basic education enrollment.

~~((i))~~ (i) For the 2001-02 ~~((and the 2002-03))~~ school year(s), each district's funded enrollment percent shall be the lesser of the district's actual enrollment percent ~~((for the school year for which the allocation is being determined))~~ or 12.7 percent ~~((for the 2001-02 school year or 13.0 percent for the 2002-03 school year))~~.

~~((ii))~~ (ii) For the 2002-03 school year, each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent. Increases in enrollment percent from 12.7 percent to 13.0 percent shall be funded from the general fund--federal appropriation.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be ~~((12.7 percent for the 2001-02 school year and 13.0 percent for the 2002-03 school year))~~ calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) Safety net funding shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

~~((a))~~ (a) A maximum of ~~(((\$12,000,000))~~ \$8,500,000 of the general fund--state appropriation and a maximum of \$3,500,000 of the general fund--federal appropriation for fiscal year 2002 ~~((and a maximum of \$10,623,000 of the general fund--state appropriation for fiscal year 2003))~~ are provided as safety net funding for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. ~~((Safety net funding shall be awarded by the state safety net oversight committee.~~

~~((b))~~ (b) The safety net oversight committee shall first consider the needs of districts adversely affected by the 1995 change in the special education funding formula. Awards shall be based on the lesser of the amount required to maintain the 1994-95 state special education excess cost allocation to the school district in aggregate or on a dollar per funded student basis.

~~((c))~~ (c) The committee shall then consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

~~((d))~~ (d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

~~((e))~~ (e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

~~((f))~~ (f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

~~((g))~~ (g) The superintendent may expend up to \$120,000 ~~((per year))~~ of the amounts provided in this subsection (8) to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(9) For fiscal year 2003 to the extent necessary, \$12,873,000 of the general fund--federal appropriation is provided for safety net awards for districts with demonstrated needs for state special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (9), the superintendent shall expend all available federal

discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal and local sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(d) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) The superintendent may expend up to \$120,000 of the amount provided from the general fund--federal appropriation in this subsection (9) to provide staff assistance to the committee in analyzing applications for safety net funds received by the committee.

(10) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(11) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor;

(c) Staff of the office of the financial management; and

(d) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(12) To the extent necessary, in fiscal year 2002, \$2,250,000 of the general fund--federal appropriation shall be expended for safety net funding to meet the extraordinary needs of one or more individual special education students. If safety net awards to meet the extraordinary needs exceed \$2,250,000 of the general fund--federal appropriation, the superintendent shall expend all available federal discretionary funds necessary to meet this need. General fund--state funds shall not be expended for this purpose.

(13) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(14) \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(15) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent for the 2001-02 school year. For the 2002-03 school year, the superintendent shall allocate the federal funds as specified in this section and shall adjust federal flow-through funds accordingly. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(16) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services. The superintendent shall prepare an information database on laws, best practices, examples of programs, and recommended resources. The information may be disseminated in a variety of ways, including workshops and other staff development activities.

(17) A school district may carry over from one year to the next year up to 10 percent of general fund--state funds allocated under this program; however, carry over funds shall be expended in the special education program.

(18) The superintendent of public instruction shall implement the recommendations of the joint legislative audit and review committee study on special education (report 01-11) only to the extent that funds have been specifically provided therefor.

Sec. 507. 2001 2nd sp.s. c 7 s 508 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRAFFIC SAFETY EDUCATION PROGRAMS**

General Fund--State Appropriation (FY 2002) \$ ((3,595,000))

3,765,000

General Fund--State Appropriation (FY 2003) \$ ((2,588,000))

512,000

**Public Safety and Education Account**

Appropriation \$ 6,567,000

TOTAL APPROPRIATION \$ ((6,183,000))

10,844,000

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in each fiscal year and for prior fiscal year adjustments.

(b) A maximum of \$253,000 of the fiscal year 2002 general fund appropriation ((and a maximum of \$254,000 of the fiscal year 2003 general fund appropriation)) may be expended for regional traffic safety education coordinators.

(c) Allocations to provide tuition assistance for students eligible for free and reduced price lunch who complete the program shall be a maximum of \$203.97 per eligible student in the 2001-02 ((and 2002-03)) school ((years)) year.

(2) The public safety and education account appropriation in this section is subject to the following conditions and limitations:

(a) The public safety and education account appropriation shall lapse if House Bill No. 2573 (traffic safety education) is not enacted by June 30, 2002.

(b) If House Bill No. 2573 is enacted by June 30, 2002, districts shall receive the following allocations:

(i) The maximum basic state allocation per student completing the program shall be \$148.00 in the 2002-03 school year.

(ii) Additional allocations to provide tuition assistance for students eligible for free and reduced price lunch who complete the program shall be a maximum of \$71.00 per eligible student in the 2002-03 school year.

(c) A maximum of \$254,000 may be expended for regional traffic safety education coordinators.

Sec. 508. 2001 2nd sp.s. c 7 s 509 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS**

General Fund--State Appropriation (FY 2002) \$ ((4,768,000))

4,757,000

General Fund--State Appropriation (FY 2003) \$ ~~((4,768,000))~~ 4,571,000  
TOTAL APPROPRIATION \$ ~~((9,536,000))~~ 9,328,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).  
(2) \$250,000 of the general fund appropriation for fiscal year ~~((2000))~~ 2002 and ~~((250,000))~~ \$243,000 of the general fund appropriation for fiscal year ~~((2001))~~ 2003 are provided solely for student teaching centers as provided in RCW 28A.415.100.  
(3) A maximum of \$250,000 of the fiscal year 2002 general fund appropriation and a maximum of ~~((250,000))~~ \$243,000 of the fiscal year 2003 general fund appropriation are provided for centers for the improvement of teaching pursuant to RCW 28A.415.010.

**Sec. 509.** 2001 2nd sp.s. c 7 s 510 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE**  
General Fund--State Appropriation (FY 2002) \$ ~~((436,345,000))~~ 140,932,000  
General Fund--State Appropriation (FY 2003) \$ ~~((148,329,000))~~ 154,931,000  
TOTAL APPROPRIATION \$ ~~((284,644,000))~~ 295,863,000

The appropriations in this section are subject to the following conditions and limitations:  
Calendar year 2003 local effort assistance calculations under chapter 28A.500 RCW shall be adjusted by multiplying allocations and maximum eligibility for each district by 0.99 as authorized by House Bill No. 3011.

**Sec. 510.** 2001 2nd sp.s. c 7 s 511 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS**  
General Fund--State Appropriation (FY 2002) \$ ~~((19,133,000))~~ 19,073,000  
General Fund--State Appropriation (FY 2003) \$ ~~((49,115,000))~~ 18,658,000  
General Fund--Federal Appropriation \$ 8,548,000  
TOTAL APPROPRIATION \$ ~~((46,796,000))~~ 46,279,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.  
(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.  
(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.  
(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.  
(5) \$141,000 of the general fund--state appropriation for fiscal year 2002 and \$139,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.  
**Sec. 511.** 2001 2nd sp.s. c 7 s 512 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS**  
General Fund--State Appropriation (FY 2002) \$ ~~((6,443,000))~~ 6,470,000  
General Fund--State Appropriation (FY 2003) \$ ~~((6,397,000))~~ 6,229,000  
TOTAL APPROPRIATION \$ ~~((12,840,000))~~ 12,699,000

The appropriations in this section are subject to the following conditions and limitations:  
(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.  
(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of ~~((328.10))~~ \$327.22 per funded student for the 2001-02 school year and ~~((328.05))~~ \$313.07 per funded student for the 2002-03 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of two percent of each district's full-time equivalent basic education enrollment.

(3) \$175,000 of the fiscal year 2002 appropriation and ~~((175,000))~~ \$170,000 of the fiscal year 2003 appropriation are provided for the centrum program at Fort Worden state park.  
(4) \$93,000 of the fiscal year 2002 appropriation and ~~((93,000))~~ \$90,000 of the fiscal year 2003 appropriation are provided for the Washington imagination network and future problem-solving programs.

**Sec. 512.** 2001 2nd sp.s. c 7 s 513 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT**  
General Fund--Federal Appropriation \$ ~~((288,166,000))~~ 201,737,000

**Sec. 513.** 2001 2nd sp.s. c 7 s 514 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS**  
General Fund--State Appropriation (FY 2002) \$ ~~((35,882,000))~~ 36,880,000  
General Fund--State Appropriation (FY 2003) \$ ~~((36,363,000))~~ 30,150,000

General Fund--Federal Appropriation \$ ~~((3,000,000))~~

60,571,000

TOTAL APPROPRIATION \$ ~~((75,245,000))~~

127,601,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$322,000 of the general fund--state appropriation for fiscal year 2002 and ~~((322,000))~~ \$312,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the academic achievement and accountability commission.

(2) ~~((11,209,000))~~ \$12,209,000 of the general fund--state appropriation for fiscal year 2002, ~~((10,872,000))~~ \$8,872,000 of the general fund--state appropriation for fiscal year 2003, and ~~((3,000,000))~~ \$4,000,000 of the general fund--federal appropriation are provided for development and implementation of the Washington assessments of student learning. Up to \$689,000 of the appropriation may be expended for data analysis and data management of test results.

(3) \$1,095,000 of the fiscal year 2002 general fund--state appropriation and ~~((1,095,000))~~ \$548,000 of the fiscal year 2003 general fund--state appropriation are provided solely for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(4) \$4,695,000 of the general fund--state appropriation for fiscal year 2002 and ~~((4,695,000))~~ \$2,348,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(a) A teacher assistance program is a program that provides to a first year beginning teacher peer mentor services that include but are not limited to:

(i) An orientation process and individualized assistance to help beginning teachers who have been hired prior to the start of the school year prepare for the start of a school year;

(ii) The assignment of a peer mentor whose responsibilities to the beginning teacher include but are not limited to constructive feedback, the modeling of instructional strategies, and frequent meetings and other forms of contact;

(iii) The provision by peer mentors of strategies, training, and guidance in critical areas such as classroom management, student discipline, curriculum management, instructional skill, assessment, communication skills, and professional conduct. A district may provide these components through a variety of means including one-on-one contact and workshops offered by peer mentors to groups, including cohort groups, of beginning teachers;

(iv) The provision of release time, substitutes, mentor training in observation techniques, and other measures for both peer mentors and beginning teachers, to allow each an adequate amount of time to observe the other and to provide the classroom experience that each needs to work together effectively;

(v) Assistance in the incorporation of the essential academic learning requirements into instructional plans and in the development of complex teaching strategies, including strategies to raise the achievement of students with diverse learning styles and backgrounds; and

(vi) Guidance and assistance in the development and implementation of a professional growth plan. The plan shall include a professional self-evaluation component and one or more informal performance assessments. A peer mentor may not be involved in any evaluation under RCW 28A.405.100 of a beginning teacher whom the peer mentor has assisted through this program.

(b) In addition to the services provided in (a) of this subsection, an eligible peer mentor program shall include but is not limited to the following components:

(i) Strong collaboration among the peer mentor, the beginning teacher's principal, and the beginning teacher;

(ii) Stipends for peer mentors and, at the option of a district, for beginning teachers. The stipends shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.400.200 and are not subject to the continuing contract provisions of Title 28A RCW; and

(iii) To the extent that resources are available for this purpose and that assistance to beginning teachers is not adversely impacted, the program may serve second year and more experienced teachers who request the assistance of peer mentors.

(5) \$2,025,000 of the general fund--state appropriation for fiscal year 2002 and ~~((2,025,000))~~ \$1,964,000 of the general fund--state appropriation for fiscal year 2003 are provided for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(6) \$3,600,000 of the general fund--state appropriation for fiscal year 2002 and \$3,600,000 of the general fund--state appropriation for fiscal year 2003 are provided for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(7) \$2,500,000 of the general fund--state appropriation for fiscal year 2002 and \$2,500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$1,409,000 of the general fund--state appropriation for fiscal year 2002 and ~~((1,409,000))~~ \$705,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(9) \$1,828,000 of the general fund--state appropriation for fiscal year 2002 and ~~((1,828,000))~~ \$1,773,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall serve on a rotating basis from one to three years and shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

- (vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and
- (vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(10) A maximum of \$500,000 of the general fund--state appropriation for fiscal year 2002 and a maximum of ~~(((\$500,000))~~ \$485,000 of the general fund--state appropriation for fiscal year 2003 are provided for summer accountability institutes offered by the superintendent of public instruction and the academic achievement and accountability commission. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, and guidance and counseling.

(11) \$3,930,000 of the general fund--state appropriation for fiscal year 2002 and ~~(((\$3,829,000))~~ \$3,714,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Washington reading corps subject to the following conditions and limitations:

(a) Grants shall be allocated to schools and school districts to implement proven, research-based mentoring and tutoring programs in reading for low-performing students in grades K-6. If the grant is made to a school district, the principals of schools enrolling targeted students shall be consulted concerning design and implementation of the program.

(b) The programs may be implemented before, after, or during the regular school day, or on Saturdays, summer, intersessions, or other vacation periods.

(c) Two or more schools may combine their Washington reading corps programs.

(d) A program is eligible for a grant if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable reading/literacy research and effective practices;

(ii) The program design is comprehensive and includes instruction, on-going student assessment, professional development, parental/community involvement, and program management aligned with the school's reading curriculum;

(iii) It provides quality professional development and training for teachers, staff, and volunteer mentors and tutors;

(iv) It has measurable goals for student reading aligned with the essential academic learning requirements; and

(v) It contains an evaluation component to determine the effectiveness of the program.

(e) Funding priority shall be given to low-performing schools.

(f) Beginning and end-of-program testing data shall be available to determine the effectiveness of funded programs and practices. Common evaluative criteria across programs, such as grade-level improvements shall be available for each reading corps program. The superintendent of public instruction shall provide program evaluations to the governor and the appropriate committees of the legislature. Administrative and evaluation costs may be assessed from the annual appropriation for the program.

(g) Grants provided under this section may be used by schools and school districts for expenditures from September 2001 through August 31, 2003.

(12) ~~(((\$377,000))~~ \$375,000 of the general fund--state appropriation for fiscal year 2002 and ~~(((\$701,000))~~ \$725,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for salary bonuses for teachers who attain certification by the national board for professional teaching standards~~(-)~~, subject to the following conditions and limitations:

~~((b) In the 2002-03 school year,))~~ (a) Teachers who have attained certification by the national board ~~((in the 2000-01 school year or the 2001-02 school year or the 2002-03 school year))~~ shall receive an annual bonus not to exceed \$3,500.

~~((c))~~ (b) The annual bonus shall be paid in a lump sum amount and shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

~~((d))~~ (c) It is the intent of the legislature that teachers achieving certification by the national board of professional teaching standards will receive no more than ~~((three))~~ four annual bonus payments for attaining certification by the national board.

(13) \$625,000 of the general fund--state appropriation for fiscal year 2002 and ~~(((\$625,000))~~ \$313,000 of the general fund--state appropriation for fiscal year 2003 are provided for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan.

(14) \$71,000 of the general fund--state appropriation for fiscal year 2002 and \$71,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the second grade reading test. The funds shall be expended for assessment training for new second grade teachers and replacement of assessment materials.

(15) \$384,000 of the general fund--state appropriation for fiscal year 2002 and ~~(((\$384,000))~~ \$372,000 of the general fund--state appropriation for fiscal year 2003 are provided for the superintendent to assist schools in implementing high academic standards, aligning curriculum with these standards, and training teachers to use assessments to improve student learning. Funds may also be used to increase community and parental awareness of education reform.

(16) \$130,000 of the general fund--state appropriation for fiscal year 2002 and ~~(((\$130,000))~~ \$126,000 of the general fund--state appropriation for fiscal year 2003 are provided for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(17) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and ~~(((\$1,800,000))~~ \$1,746,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Of the amounts provided, \$219,000 of the fiscal year 2002 appropriation and ~~(((\$297,000))~~ \$201,000 of the fiscal year 2003 appropriation are provided to the office of the superintendent of public instruction for the administrative duties arising under this subsection. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(18) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for grants to school districts to adopt or revise district-wide and school-level plans to achieve performance improvement goals established under RCW 28A.655.030, and to post a summary of the improvement plans on district websites using a common format provided by the office of the superintendent of public instruction.

(19) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for recognition plaques for schools that successfully met the fourth grade reading improvement goal established under RCW 28A.655.050.

(20) \$46,554,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(21) \$6,591,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(22) In addition to amounts provided in subsection (2) of this section, \$3,426,000 of the general fund--federal appropriation is provided for the development of state assessments as required under Title VI of the no child left behind act.

Sec. 514. 2001 2nd sp. s. c 7 s 515 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS**

General Fund--State Appropriation (FY 2002) \$ ((43,044,000))	42,767,000
General Fund--State Appropriation (FY 2003) \$ ((45,171,000))	44,734,000
General Fund--Federal Appropriation (FY 2003) \$ 20,280,000	
TOTAL APPROPRIATION \$ ((88,215,000))	107,781,000

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

((1)) (a) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

((2)) (b) The superintendent shall distribute a maximum of ((687.19)) \$684.36 per eligible bilingual student in the 2001-02 school year and ((687.19)) \$674.69 in the 2002-03 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

((3)) (c) The superintendent may withhold up to \$295,000 in school year 2001-02 and up to ((268,000)) \$700,000 in school year 2002-03, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in section 2(1) and (2) of Engrossed Second Substitute House Bill No. 2025.

((4)) (d) \$70,000 of the amounts appropriated in this section are provided solely to develop a system for the tracking of current and former transitional bilingual program students.

((5)) (e) Sufficient funding is provided to implement Engrossed Second Substitute House Bill No. 2025 (schools/bilingual instruction).

(2) The general fund--federal appropriation in this section is provided for migrant education, English language acquisition, and language enhancement grants under Title III of the no child left behind act.

**Sec. 515.** 2001 2nd sp.s. c 7 s 516 (uncodified) is amended to read as follows:  
**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM**

General Fund--State Appropriation (FY 2002) \$ ((70,593,000))	71,342,000
General Fund--State Appropriation (FY 2003) \$ ((68,817,000))	64,614,000
General Fund--Federal Appropriation (FY 2003) \$ 130,631,000	
TOTAL APPROPRIATION \$ ((139,410,000))	266,587,000

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

((1)) (a) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

((2)) (b) Funding for school district learning assistance programs shall be allocated at maximum rates of ((408.38)) \$407.39 per funded unit for the 2001-02 school year and ((409.41)) \$404.78 per funded unit for the 2002-03 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

((3)) (c) For purposes of this section, "test results" refers to the district results from the norm-referenced test administered in the specified grade level. The norm-referenced test results used for the third and sixth grade calculations shall be consistent with the third and sixth grade tests required under RCW 28A.230.190 and 28A.230.193.

((4)) (d) A school district's general fund--state funded units for the 2001-02 (~~and 2002-03~~) school year(s) shall be the sum of the following:

((a)) (i) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag; and

((b)) (ii) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.92. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

((c)) (iii) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.92. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

((d)) (iv) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

((5)) (e)(i) A school district's general fund--state funded units for the 2002-03 school year shall be the sum of the following:

(A) The district's full-time equivalent enrollment in grades K-6, multiplied by the 5-year average 4th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag;

(B) The district's full-time equivalent enrollment in grades 7-9, multiplied by the 5-year average 8th grade lowest quartile test results as adjusted for funding purposes in the school years prior to 1999-2000, multiplied by 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(C) The district's full-time equivalent enrollment in grades 10-11 multiplied by the 5-year average 11th grade lowest quartile test results, multiplied by 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag; and

(D) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free and reduced price lunch exceeded the state average, subtract the state average percentage of students eligible for free and reduced price lunch from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the current school year multiplied by 22.3 percent.

(ii) In addition to amounts allocated under (a) of this subsection, the superintendent shall provide additional amounts as follows:

(A) For school districts receiving less than a 3.0 percent increase in federal Title I Part A (basic program) funds, the multiplier in (i)(A), (B), and (C) of this subsection (e) shall be .92;

(B) For school districts not eligible for additional funds under (b)(i) of this subsection, and whose effective increase in federal Title I Part A (basic program) funds is less than 3.0 percent after taking into account the change in the multiplier from .92 to .82, an additional amount to provide a 3.0 percent increase.

(f) School districts may carry over from one year to the next up to 10 percent of general fund--state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

**Sec. 516.** 2001 2nd sp.s. c 7 s 517 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--LOCAL ENHANCEMENT FUNDS**

General Fund--State Appropriation (FY 2002) \$ ((49,515,000))

19,663,000

General Fund--State Appropriation (FY 2003) \$ ((47,516,000))

3,541,000

TOTAL APPROPRIATION \$ ((37,031,000))

23,204,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Funds are provided for local education program enhancements to meet educational needs as identified by the school district, including alternative education programs.

(3) Allocations for the 2001-02 school year shall be at a maximum annual rate of \$18.48 per full-time equivalent student (~~and \$18.48 per full-time equivalent student for the 2002-03 school year~~). Allocations shall be made on the monthly apportionment payment schedule provided in RCW 28A.510.250 and shall be based on school district annual average full-time equivalent enrollment in grades kindergarten through twelve: PROVIDED, That for school districts enrolling not more than one hundred average annual full-time equivalent students, and for small school plants within any school district designated as remote and necessary schools, the allocations shall be as follows:

(a) Enrollment of not more than sixty average annual full-time equivalent students in grades kindergarten through six shall generate funding based on sixty full-time equivalent students;

(b) Enrollment of not more than twenty average annual full-time equivalent students in grades seven and eight shall generate funding based on twenty full-time equivalent students; and

(c) Enrollment of not more than sixty average annual full-time equivalent students in grades nine through twelve shall generate funding based on sixty full-time equivalent students.

(4) Funding provided pursuant to this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution and the state's funding duty thereunder.

(5) The superintendent shall not allocate up to one-fourth of a district's funds under this section if:

(a) The district is not maximizing federal matching funds for medical services provided through special education programs, pursuant to RCW 74.09.5241 through 74.09.5256 (Title XIX funding); or

(b) The district is not in compliance in filing truancy petitions as required under chapter 312, Laws of 1995 and RCW 28A.225.030.

**NEW SECTION. Sec. 517.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--STATE FLEXIBLE EDUCATION FUNDS**

General Fund--State Appropriation (FY 2003) \$ 20,612,000

The appropriation in this section is subject to the following conditions and limitations:

(1) State flexible education funds for the 2002-03 school year shall be allocated at a maximum rate of \$21.55 per full-time equivalent student in grades K-12. For the purpose of this section, "FTE student" refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year. The funds shall be distributed to school districts at ten percent per month for the months of September through June.

(2) Funds are provided for local education program enhancements to improve student learning as identified by each school district, including the following programs: Paraprofessional training; mentor/beginning teacher assistance; principal assessment and mentorships; superintendent and principal internships; school safety; truancy; contracting with educational centers; and complex needs.

(3) Funds provided under this section shall not be used for salary increases or additional compensation for existing teaching duties.

(4) Funding provided under this section does not fall within the definition of basic education for purposes of Article IX of the state Constitution.

**Sec. 518.** 2001 2nd sp.s. c 7 s 519 (uncodified) is amended to read as follows:

**FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM**

Student Achievement Fund--State

Appropriation (FY 2002) \$ ((484,232,000))

180,837,000

Student Achievement Fund--State

Appropriation (FY 2003) \$ ((209,068,000))

210,312,000

TOTAL APPROPRIATION \$ ((393,300,000))

391,149,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriation is allocated for the following uses as specified in chapter 28A.505 RCW as amended by chapter 3, Laws of 2001 (Initiative Measure No. 728):

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extend day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or  
(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection.

(2) Funding for school district student achievement programs shall be allocated at a maximum rate of ~~(((\$193.92))~~ \$190.19 per FTE student for the 2001-02 school year and ~~(((\$220.59))~~ \$219.84 per FTE student for the 2002-03 school year. For the purposes of this section and in accordance with ~~((RCW 84.52.---(section 5 of Initiative Measure No. 728)))~~ RCW 84.52.068, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year.

(3) The office of the superintendent of public instruction shall distribute ten percent of the annual allocation to districts each month for the months of September through June.

**Sec. 519.** 2001 2nd sp.s. c 7 s 521 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD OF EDUCATION**

Education Savings Account--State

Appropriation \$ ~~((36,720,000))~~

36,656,000

Education Construction Account--State

Appropriation \$ ~~((154,500,000))~~

111,800,000

TOTAL APPROPRIATION \$ ~~((491,220,000))~~

148,456,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(((\$18,000,000))~~ \$17,936,000 in fiscal year 2002 and \$18,720,000 in fiscal year 2003 of the education savings account appropriation shall be deposited in the common school construction account.

(2) ~~(((\$154,500,000))~~ \$111,800,000 of the education construction account appropriation shall be deposited in the common school construction account.

**PART VI  
HIGHER EDUCATION**

**Sec. 601.** 2001 2nd sp.s. c 7 s 601 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 603 through 609 of this act.

(2)(a) The salary increases provided or referenced in this subsection shall be the only allowable salary increases provided at institutions of higher education, excluding increases associated with normally occurring promotions and increases related to faculty and professional staff retention, and excluding increases associated with employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1).

(b) Each institution of higher education shall provide to each classified staff employee as defined by the office of financial management, except for classified staff at the technical colleges, a salary increase of 3.7 percent on July 1, 2001. The technical colleges shall provide to classified employees under chapter 41.56 RCW an average salary increase of 3.7 percent on July 1, 2001, and 3.6 percent on July 1, 2002. ~~((Funds are also provided for salary increases for all classified employees on July 1, 2002, in a percentage amount to be determined by the 2002 legislature and, in the case of technical college classified staff, consistent with the provisions of Initiative 732.))~~

(c) Each institution of higher education, except for the community and technical colleges, shall provide to state-funded instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants as classified by the office of financial management, and all other state-funded nonclassified staff, including those employees under RCW 28B.16.015, an average salary increase of 3.7 percent on July 1, 2001. ~~((Funds are also provided for salary increases for these employee groups on July 1, 2002, in a percentage amount to be determined by the 2002 legislature.))~~ Each institution may provide the same average increases to similar positions that are not state-funded.

(d) The community and technical colleges shall provide to academic employees, ~~((exempt professional staff, and academic administrators))~~ as defined in RCW 28B.52.020 pursuant to the provisions of Initiative Measure No. 732, an average salary increase of 3.7 percent on July 1, 2001, and 3.6 percent on July 1, 2002. ~~((Funds are also provided for salary increases for these groups on July 1, 2002, in a percentage amount to be determined by the 2002 legislature and, in the case of community college academic employees and technical college employees, consistent with the provisions of Initiative 732.))~~

(e) For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1), distribution of the salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(f) Each institution of higher education receiving appropriations for salary increases under sections 604 through 609 of this act may provide additional salary increases from other sources to instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Any additional salary increase granted under the authority of this subsection (2)(f) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that general fund--state support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (2)(f) or under rights granted to award additional compensation with local, nonstate funds under the collective bargaining provisions of Second Substitute House Bill No. 2403 (faculty collective bargaining) or Engrossed Second Substitute House Bill No. 2540 (collective bargaining/University of Washington).

(g) To collect consistent data for use by the legislature, the office of financial management, and other state agencies for policy and planning purposes, institutions of higher education shall report personnel data to be used in the department of personnel's human resource data warehouse in compliance with uniform reporting procedures established by the department of personnel.

(h) Specific salary increases authorized in sections 603 through 609 of this act are in addition to any salary increase provided in this subsection.

(3) The tuition fees, as defined in chapter 28B.15 RCW, charged to full-time students at the state's institutions of higher education for the 2001-02 and 2002-03 academic years, other than the summer term, may be adjusted by the governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges as provided in this subsection.

(a) For the 2001-02 academic year, the governing boards and the state board may implement an increase no greater than six and seven-tenths percent over tuition fees charged to full-time students for the 2000-01 academic year.

(b)(i) For the 2002-03 academic year, the governing boards ~~((and the state board may implement an increase no greater than six and one-tenth percent over the tuition fees charged to full-time students for the 2001-02 academic year.))~~ of the state universities may

implement an increase no greater than sixteen percent over tuition fees charged to full-time resident undergraduate students for the 2001-02 academic year.

(ii) For the 2002-03 academic year, the governing boards of the regional universities and The Evergreen State College may implement an increase no greater than fourteen percent over tuition fees charged to full-time resident undergraduate students for the 2001-02 academic year.

(iii) For the 2002-03 academic year, the state board for community and technical colleges may implement an increase no greater than twelve percent over tuition fees charged to full-time resident undergraduate students for the 2001-02 academic year.

(iv) Pursuant to RCW 43.135.055, for the 2002-03 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may implement an increase in excess of the fiscal growth factor over tuition fees charged to nonresident undergraduate students for the 2001-02 academic year.

(c) For the 2001-02 academic year, the governing boards may implement an increase for law and graduate business programs no greater than twelve percent over tuition fees charged to law and graduate business students for the 2000-01 academic year, except as provided in (e) of this subsection.

(d) Pursuant to RCW 43.135.055, for the 2002-03 academic year, the governing boards ((may implement an increase for law and graduate business programs no greater than twelve percent over tuition fees charged to law and graduate business students for the 2001-02 academic year, except as provided in (f) of this subsection-)) of the state universities, the regional universities, and The Evergreen State College may implement an increase in excess of the fiscal growth factor over tuition fees charged to graduate, law, and professional students for the 2001-02 academic year.

(e) For the 2001-02 academic year, the governing boards of the University of Washington may implement an increase for graduate business programs no greater than 15 percent over tuition fees charged to graduate business students for the 2000-01 academic year.

(f) ((For the 2002-03 academic year, the governing boards of the University of Washington may implement an increase for graduate business programs no greater than 20 percent over tuition fees charged to graduate business students for the 2001-02 academic year-.

(g)) (i) For the 2001-02 ((and the 2002-03)) academic year(s), the state board for community and technical colleges may increase tuition fees differentially based on student credit hour load, but the average percentage increase for students taking fifteen or fewer credits shall not exceed ((the limits in subsection (3)(a) and (b) of this section)) twelve percent.

(ii) For the 2002-03 academic year, the state board for community and technical colleges may increase tuition fees differentially at their discretion.

((h)) (g) For the 2001-03 biennium, the governing boards and the state board may adjust full-time operating fees for factors that may include time of day and day of week, as well as delivery method and campus, to encourage full use of the state's educational facilities and resources.

((i)) (h) The tuition increases adopted under (a), (b), ((g)) (f), and ((h)) (g) of this subsection need not apply uniformly across student categories as defined in chapter 28B.15 RCW so long as the increase for each student category does not exceed the percentages specified in this subsection.

(4) ((In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of the operating fees for any student-)) For the remainder of the 2001-03 biennium, the governing boards and the state board are encouraged to reduce waiver activity in recognition of the need to retain available resources to preserve the educational quality of higher education institutions. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under ((this subsection)) authority of RCW 28B.15.915.

(5) Pursuant to RCW ((43.15.055)) 43.135.055, institutions of higher education receiving appropriations under sections 603 through 609 of this act are authorized to increase summer term tuition in excess of the fiscal growth factor during the 2001-03 biennium. Tuition levels increased pursuant to this subsection shall not exceed the per credit hour rate calculated from the academic year tuition levels adopted under this act.

(6) Community colleges may increase services and activities fee charges in excess of the fiscal growth factor up to the maximum level authorized by the state board for community and technical colleges.

(7) Each institution receiving appropriations under sections 604 through 609 of this act shall submit a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress towards the achievement of long-term performance goals. The plans, to be prepared at the direction of the higher education coordinating board, shall be submitted by August 15, 2001. The higher education coordinating board shall set biennial performance targets for each institution and shall review actual achievements annually. Institutions shall track their actual performance on the statewide measures as well as faculty productivity, the goals and targets for which may be unique to each institution. A report on progress towards statewide and institution-specific goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2003.

(8) The state board for community and technical colleges shall develop a biennial plan to achieve measurable and specific improvements each academic year as part of a continuing effort to make meaningful and substantial progress to achieve long-term performance goals. The board shall set biennial performance targets for each college or district, where appropriate, and shall review actual achievements annually. Colleges shall track their actual performance on the statewide measures. A report on progress towards the statewide goals, with recommendations for the ensuing biennium, shall be submitted to the fiscal and higher education committees of the legislature by November 15, 2003.

**Sec. 602.** 2001 2nd sp.s. c 7 s 602 (uncodified) is amended to read as follows:

The appropriations in sections 603 through 609 of this act provide state general fund support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2001-2002	2002-2003
	Annual	Annual
	Average	Average

University of Washington

Main campus	32,321	32,427
Bothell branch	1,169	1,235
Tacoma branch	1,330	1,484

Washington State University

Main campus	17,332	17,332	
Spokane branch		551	593
Tri-Cities branch			616 616
Vancouver branch	1,071	1,153	
Central Washington University		7,470	7,470
Eastern Washington University	7,933	8,017	
The Evergreen State College		3,754	3,837
Western Washington University		10,976	11,126
State Board for Community and Technical Colleges		125,082	((126,902))
			<u>128,222</u>

When allocating newly budgeted enrollments, each institution of higher education shall give priority to high demand fields, including but not limited to technology, health professions, and education. At the end of each fiscal year, each institution of higher education and the state board for community and technical colleges shall submit a report to the higher education coordinating board detailing how newly budgeted enrollments have been allocated.

**Sec. 603.** 2001 2nd sp.s. c 7 s 603 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES**

General Fund--State Appropriation (FY 2002) \$ ((514,399,000))		<u>514,141,000</u>
General Fund--State Appropriation (FY 2003) \$ ((543,731,000))		<u>533,500,000</u>
General Fund--Federal Appropriation \$ 11,404,000		
<u>Administrative Contingency Account--State</u>		
<u>Appropriation \$ 2,600,000</u>		
<u>College Faculty Awards Trust Account--State</u>		
<u>Appropriation \$ 2,500,000</u>		
Education Savings Account--State		
Appropriation \$ 4,500,000		
TOTAL APPROPRIATION \$ ((1,074,034,000))		<u>1,068,645,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The technical colleges may increase tuition and fees in excess of the fiscal growth factor to conform with the percentage increase in community college operating fees.

(2) \$2,475,000 of the general fund--state appropriation for fiscal year 2002 and \$5,025,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to increase salaries and related benefits for part-time faculty. The board shall report by December 1 of each fiscal year to the office of financial management and legislative fiscal and higher education committees on (a) the distribution of state funds; (b) wage adjustments for part-time faculty; and (c) progress to achieve the long-term performance targets for each district, with respect to use of part-time faculty, pursuant to the faculty mix study conducted under section 603, chapter 309, Laws of 1999.

(3) \$1,155,000 of the general fund--state appropriation for fiscal year 2002 and ((2,345,000)) \$1,155,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide faculty salary increments and associated benefits. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(4) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided for a program to fund the start-up of new community and technical college programs in rural counties as defined under RCW 43.160.020(12) and in communities impacted by business closures and job reductions. Successful proposals must respond to local economic development strategies and must include a plan to continue programs developed with this funding.

(5) \$326,000 of the general fund--state appropriation for fiscal year 2002 and \$640,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for allocation to twelve college districts identified in (a) through (l) of this subsection to prepare students for transfer to the state technology institute at the Tacoma branch campus of the University of Washington. The appropriations in this section are intended to supplement, not supplant, general enrollment allocations by the board to the districts under (a) through (l) of this subsection:

- (a) Bates Technical College;
- (b) Bellevue Community College;
- (c) Centralia Community College;
- (d) Clover Park Community College;
- (e) Grays Harbor Community College;
- (f) Green River Community College;
- (g) Highline Community College;
- (h) Tacoma Community College;
- (i) Olympic Community College;
- (j) Pierce District;
- (k) Seattle District; and
- (l) South Puget Sound Community College.

(6) \$28,761,000 of the general fund--state appropriation for fiscal year 2002 ((and \$28,761,000)), \$32,761,000 of the general fund--state appropriation for fiscal year 2003, and the entire administrative contingency account appropriation are provided solely as special funds for training and related support services, including financial aid, as specified in chapter 226, Laws of 1993 (employment and training for unemployed workers).

(a) Funding is provided to support up to 7,200 full-time equivalent students in ((each)) fiscal year 2002 and up to 8,520 full-time equivalent students in fiscal year 2003.

(b) In directing these resources during the 2001-03 biennium, the state board for community and technical colleges shall give considerable attention to the permanent dislocation of workers from industries facing rapidly rising energy costs, such as direct service industries.

(7) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for tuition support for students enrolled in work-based learning programs.

(8) \$567,000 of the general fund--state appropriation for fiscal year 2002 and \$568,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for administration and customized training contracts through the job skills program.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2002 and \$50,000 of the general fund--state appropriation for fiscal year 2003 are solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$212,000 of the general fund--state appropriation for fiscal year 2002 and \$212,000 of the general fund--state appropriation for fiscal year 2003 are provided for allocation to Olympic college. The college shall contract with accredited baccalaureate institution(s) to bring a program of upper-division courses to Bremerton. Funds provided are sufficient to support at least 30 additional annual full-time equivalent students. The state board for community and technical colleges shall report to the office of financial management and the fiscal and higher education committees of the legislature on the implementation of this subsection by December 1st of each fiscal year.

(11) The entire education savings account appropriation is provided solely to support the development of a multicollage student-centered online service center for distance learners, including self-service internet applications and staff support 24 hours per day. Moneys may be allocated by the office of financial management upon certification that sufficient cash is available beyond the appropriations made for the 2001-03 biennium for the purposes of common school construction.

(12) \$9,500,000 of the general fund--state appropriation for fiscal year 2003 and the entire college faculty awards trust account appropriation are provided solely for the purposes of the settlement costs of *Mader v. State* litigation regarding retirement contributions on behalf of part-time faculty.

**Sec. 604.** 2001 2nd sp.s. c 7 s 604 (uncodified) is amended to read as follows:

**FOR UNIVERSITY OF WASHINGTON**

General Fund--State Appropriation (FY 2002) \$ ((345,974,000))	<u>345,904,000</u>
General Fund--State Appropriation (FY 2003) \$ ((361,114,000))	<u>336,544,000</u>
Death Investigations Account--State Appropriation \$ ((259,000))	<u>258,000</u>
University of Washington Building Account-- State Appropriation \$ 1,103,000	
Accident Account--State Appropriation \$ ((5,891,000))	<u>5,881,000</u>
Medical Aid Account--State Appropriation \$ ((5,945,000))	<u>5,937,000</u>
TOTAL APPROPRIATION \$ ((720,286,000))	<u>695,627,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university may reallocate 10 percent of newly budgeted enrollments to campuses other than as specified by the legislature in section 602 of this act in order to focus on high demand areas. The university shall report the details of these reallocations to the office of financial management and the fiscal and higher education committees of the legislature for monitoring purposes by the 10th day of the academic quarter that follows the reallocation actions. The report shall provide details of undergraduate and graduate enrollments at the main campus and each of the branch campuses.

(2) \$2,000,000 of the general fund--state appropriation for fiscal year 2002 and \$2,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. It is the intent of the legislature that at least ninety-nine of the full-time equivalent enrollments allocated to the university's Tacoma branch campus for the 2002-03 academic year may be used to establish the technology institute. The university will expand undergraduate and graduate degree programs meeting regional technology needs including, but not limited to, computing and software systems. As a condition of these appropriations:

(a) The university will work with the state board for community and technical colleges, or individual colleges where necessary, to establish articulation agreements in addition to the existing associate of arts and associate of science transfer degrees. Such agreements shall improve the transferability of students and in particular, students with substantial applied information technology credits.

(b) The university will establish performance measures for recruiting, retaining and graduating students, including nontraditional students, and report back to the governor and legislature by September 2002 as to its progress and future steps.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for research faculty clusters in the advanced technology initiative program.

(4) The department of environmental health shall report to the legislature the historical, current, and anticipated use of funds provided from the accident and medical aid accounts. The report shall be submitted prior to the convening of the 2002 legislative session.

(5) ((259,000)) \$258,000 of the death investigations account appropriation is provided solely for the forensic pathologist fellowship program.

(6) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(7) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Olympic natural resource center.

(8) \$50,000 of the general fund--state appropriations are provided solely for the school of medicine to conduct a survey designed to evaluate characteristics, factors and probable causes for the high incidence of multiple sclerosis cases in Washington state.

(9) \$1,103,000 of the University of Washington building account--state appropriation is provided solely for the repair and reconstruction of the Urban Horticulture Center (Merrill Hall).

(10) \$2,774,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

**Sec. 605.** 2001 2nd sp.s. c 7 s 605 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE UNIVERSITY**

General Fund--State Appropriation (FY 2002) \$ ((201,416,000))	<u>201,362,000</u>
General Fund--State Appropriation (FY 2003) \$ ((209,939,000))	<u>195,533,000</u>
TOTAL APPROPRIATION \$ ((411,355,000))	<u>396,895,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The university may reallocate 10 percent of newly budgeted enrollments to campuses other than specified by the legislature in section 602 of this act in order to focus on high demand areas. The university will report the details of these reallocations to the office of financial management and the fiscal and higher education committees of the legislature for monitoring purposes by the 10th day of the academic quarter that follows the reallocation actions. The report will provide details of undergraduate and graduate enrollments at the main campus and each of the branch campuses.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for research faculty clusters in the advanced technology initiative program.

(3) \$165,000 of the general fund--state appropriation for fiscal year 2002 and \$166,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(4) \$1,726,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

**Sec. 606.** 2001 2nd sp.s. c 7 s 606 (uncodified) is amended to read as follows:

**FOR EASTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2002) \$ ((45,532,000))	45,517,000
General Fund--State Appropriation (FY 2003) \$ ((47,382,000))	44,174,000
TOTAL APPROPRIATION \$ ((92,914,000))	89,691,000

The appropriations in this section are subject to the following conditions and limitations: \$450,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

**Sec. 607.** 2001 2nd sp.s. c 7 s 607 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2002) \$ ((44,164,000))	44,147,000
General Fund--State Appropriation (FY 2003) \$ ((44,976,000))	42,149,000
TOTAL APPROPRIATION \$ ((89,140,000))	86,296,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the general fund--state appropriation for fiscal year 2002 ((is)) and \$350,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the development and implementation of the university's enrollment stabilization recovery and growth plan. The university shall report back to the fiscal committees of the legislature, the office of financial management, and the higher education coordinating board at the end of each fiscal year with details of its actions and progress.

(2) \$374,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

**Sec. 608.** 2001 2nd sp.s. c 7 s 608 (uncodified) is amended to read as follows:

**FOR THE EVERGREEN STATE COLLEGE**

General Fund--State Appropriation (FY 2002) \$ ((25,334,000))	25,325,000
General Fund--State Appropriation (FY 2003) \$ ((26,260,000))	24,474,000
TOTAL APPROPRIATION \$ ((51,594,000))	49,799,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$226,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

(2) \$75,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to complete studies of services described in section 202(1), chapter 1, Laws of 2000 2nd sp. sess.

((2)) (3) \$11,000 of the general fund--state appropriation for fiscal year 2002 and \$54,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to conduct an outcome evaluation pursuant to Substitute Senate Bill No. 5416 (drug-affected infants). The institute shall provide a report to the fiscal, health, and human services committees of the legislature by December 1, 2003. If the bill is not enacted by June 30, 2001, the amounts provided in this subsection shall be used to evaluate outcomes across state health and social service pilot projects and other national models involving women who have given birth to a drug-affected infant, comparing gains in positive birth outcomes for resources invested, in which case the institute's findings and recommendations will be provided by November 15, 2002.

((3)) (4) \$11,000 of the general fund--state appropriation for fiscal year 2002 and \$33,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to evaluate partnership grant programs for alternative teacher certification pursuant to Engrossed Second Substitute Senate Bill No. 5695. An interim report shall be provided to the fiscal and education committees of the legislature by December 1, 2002, and a final report by December 1, 2004.

((4)) (5) \$60,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to examine options for revising the state's funding formula for the learning assistance program to enhance accountability for school performance in meeting education reform goals. The institute shall submit its report to the appropriate legislative fiscal and policy committees by June 30, 2002.

((5)) (6) \$50,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to study the prevalence and needs of families who are raising related children. The study shall compare services and policies of Washington state with other states that have a high rate of kinship care placements in lieu of foster care placements. The study shall identify possible changes in services and policies that are likely to increase appropriate kinship care placements. A report shall be provided to the fiscal and human services committees of the legislature by June 1, 2002.

((6)) (7) \$35,000 of the general fund--state appropriation for fiscal year 2002 and \$15,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to examine various educational delivery models for providing services and education for students through the Washington state school for the deaf. The institute's report, in conjunction with the capacity planning study from the joint legislative audit and review committee, shall be submitted to the fiscal committees of the legislature by September 30, 2002.

((7)) (8) \$30,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to examine the structure, policies, and recent experience in states where welfare recipients may attend college full-time as their required TANF work activity. The institute will provide findings and recommend how Washington could consider adding this feature in a targeted, cost-neutral manner that would complement the present-day WorkFirst efforts and caseload. The institute shall provide a report to the human services, higher education, and fiscal committees of the legislature by November 15, 2001.

((8)) (9) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the institute for public policy to research and evaluate strategies for constraining the growth in state health expenditures. Specific research topics, approaches, and timelines shall be identified in consultation with the fiscal committees of the legislature.

((9)) (10) \$100,000 of the general fund--state appropriation for fiscal year 2002 is provided solely for the institute for public policy to conduct a comprehensive review of the costs and benefits of existing juvenile crime prevention and intervention programs. This evaluation shall also consider what changes could result in more cost-effective and efficient funding for juvenile crime prevention and intervention programs presently supported with state funds. The institute for public policy shall report its findings and recommendations to the appropriate legislative fiscal and policy committees by October 1, 2002.

(11) \$60,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for the institute for public policy to conduct the studies listed in (a), (b), (c), and (d) of this subsection.

(a) The institute for public policy shall conduct a review of branch campuses of the state's higher education research universities. The study shall examine: (a) The original mission of branch campuses; (b) the extent branch campuses are meeting their original mission; and (c) the extent key factors that led to the creation of branch campuses have changed, including student demographics, demand for and availability of upper division higher education, and local or state labor markets. The study shall also include a range of policy options the legislature could consider regarding branch campuses. The institute shall submit an interim report by December 12, 2002, and a final report by June 30, 2003, to appropriate legislative committees.

(b) The institute for public policy shall conduct a study to review the mission and operations of the higher education coordinating board. The study shall include evaluation of the board's role and current practices in policy setting, evaluation, review and approval of higher education programs and budgets, and administration of financial aid programs. In conducting the study, the institute shall work with legislative staff of the house of representatives and senate. The institute shall submit its findings to the higher education and fiscal committees of the legislature by December 12, 2002.

(c) The institute for public policy shall conduct a study to research at-risk youth programs. The institute for public policy shall conduct the necessary research in order to recommend to the legislature the criteria, processes, and institutional arrangements under which proven best practices could be identified, the reductions in the state justice system caseloads estimated, and the unit cost and total cost savings estimated for the intervention and prevention programs focused on youth at high risk for involvement with the juvenile and adult justice systems. The development of criteria, processes, and institutional arrangements for the limited purposes of this study shall not be construed to define best practices for all programs. The institute for public policy shall report its findings and recommendations to the appropriate committees of the legislature by December 12, 2002.

(d) The institute for public policy shall carry out the research tasks assigned to it in Second Substitute House Bill No. 2338 or Substitute Senate Bill No. 6361 (drug offender sentencing). The board may adjust reporting dates based on available data and required analysis.

**Sec. 609.** 2001 2nd sp.s. c 7 s 609 (uncodified) is amended to read as follows:

**FOR WESTERN WASHINGTON UNIVERSITY**

General Fund--State Appropriation (FY 2002) \$ ~~((59,755,000))~~

59,732,000

General Fund--State Appropriation (FY 2003) \$ ~~((62,881,000))~~

58,418,000

TOTAL APPROPRIATION \$ ~~((122,636,000))~~

118,150,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$753,000 of the general fund--state appropriation for fiscal year 2002 and ~~((1,032,000))~~ \$980,400 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operations of the North Snohomish, Island, Skagit (NSIS) higher education consortium.

(2) \$450,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for competitively offered recruitment and retention salary adjustments for instructional and research faculty, exempt professional staff, academic administrators, academic librarians, counselors, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015. Tuition revenues may be expended in addition to those required by this section to further provide recruitment and retention salary adjustments.

**Sec. 610.** 2001 2nd sp.s. c 7 s 610 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION**

General Fund--State Appropriation (FY 2002) \$ 2,345,000

General Fund--State Appropriation (FY 2003) \$ ~~((2,408,000))~~

2,288,000

General Fund--Federal Appropriation \$ 636,000

TOTAL APPROPRIATION \$ ~~((5,389,000))~~

5,269,000

The appropriations in this section are provided to carry out the policy coordination, planning, studies and administrative functions of the board and are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2002 and \$150,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to continue the teacher training pilot program pursuant to chapter 177, Laws of 1999.

(2) \$105,000 of the general fund--state appropriation for fiscal year 2002 and \$245,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to continue a demonstration project to improve rural access to post-secondary education by bringing distance learning technologies into Jefferson county.

**Sec. 611.** 2001 2nd sp. s. c 7 s 611 (uncodified) is amended to read as follows:

**FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS**

General Fund--State Appropriation (FY 2002) \$ 123,645,000

General Fund--State Appropriation (FY 2003) \$ ~~((136,205,000))~~

135,880,000

General Fund--Federal Appropriation \$ 7,511,000

Advanced College Tuition Payment Program Account--

State Appropriation \$ ~~((3,604,000))~~

1,803,000

TOTAL APPROPRIATION \$ ~~((270,965,000))~~

268,839,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$534,000 of the general fund--state appropriation for fiscal year 2002 and \$529,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the displaced homemakers program.

(2) \$234,000 of the general fund--state appropriation for fiscal year 2002 and \$240,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the western interstate commission for higher education.

(3) \$1,000,000 of the general fund--state appropriation for fiscal year 2002 and \$1,000,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the health professional conditional scholarship and loan program under chapter 28B.115 RCW. This amount shall be deposited to the health professional loan repayment and scholarship trust fund to carry out the purposes of the program.

(4) \$1,000,000 of the general fund--state appropriations is provided solely to continue a demonstration project that enables classified public K-12 employees to become future teachers, subject to the following conditions and limitations:

(a) Within available funds, the board may renew and offer conditional scholarships of up to \$4,000 per year for full or part-time studies that may be forgiven in exchange for teaching service in Washington's public K-12 schools. In selecting loan recipients, the board shall take into account the applicant's demonstrated academic ability and commitment to serve as a teacher within the state of Washington.

(b) Loans shall be forgiven at the rate of one year of loan for two years of teaching service. Recipients who teach in geographic or subject-matter shortage areas, as specified by the office of the superintendent for public instruction, may have their loans forgiven at the rate of one year of loan for one year of teaching service;

(c) Recipients who fail to fulfill the required teaching service shall be required to repay the conditional loan with interest. The board shall define the terms for repayment, including applicable interest rates, fees and deferments, and may adopt other rules as necessary to implement this demonstration project.

(d) The board may deposit this appropriation and all collections into the student loan account authorized in RCW 28B.102.060.

(e) The board will provide the legislature and governor with findings about the impact of this demonstration project on persons entering the teaching profession in shortage areas by no later than January of 2002.

(5) \$75,000 of the general fund--state appropriation for fiscal year 2002 and \$75,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(6) \$25,000 of the general fund--state appropriation for fiscal year 2002 and \$25,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the benefit of students who participate in college assistance migrant programs (CAMP) operating in Washington state. To ensure timely state aid, the board may establish a date after which no additional grants would be available for the 2001-02 and 2002-03 academic years. The board shall disperse grants in equal amounts to eligible post-secondary institutions so that state money in all cases supplements federal CAMP awards.

(7) \$120,156,000 of the general fund--state appropriation for fiscal year 2002 and ~~((133,965,000))~~ \$133,761,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for student financial aid, including all administrative costs. Of these amounts:

(a) \$90,566,000 of the general fund--state appropriation for fiscal year 2002 and ~~((102,667,000))~~ \$104,913,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the state need grant program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state need grant program may be transferred to the state work study program. For the remainder of the 2001-03 biennium, the higher education coordinating board shall limit or suspend growth to individual state need grant levels to the extent necessary to ensure that students who meet the financial eligibility requirements of fifty-five percent of median family income are served;

(b) \$16,340,000 of the general fund--state appropriation for fiscal year 2002 and \$17,360,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the state work study program. After April 1 of each fiscal year, up to one percent of the annual appropriation for the state work study program may be transferred to the state need grant program. Four percent of the general fund--state amount in this subsection for fiscal year 2003 may be expended for state work study program administration;

(c) \$2,920,000 of the general fund--state appropriation for fiscal year 2002 and \$2,920,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for educational opportunity grants. The board may deposit sufficient funds from its appropriation into the state education trust fund as established in RCW 28B.10.821 to provide a one-year renewal of the grant for each new recipient of the educational opportunity grant award. For the purpose of establishing eligibility for the equal opportunity grant program for placebound students under RCW 28B.101.020, Thurston county lies within the branch campus service area of the Tacoma branch campus of the University of Washington;

(d) A maximum of 2.1 percent of the general fund--state appropriation for fiscal year 2002 and ~~((2.1))~~ 1.8 percent of the general fund--state appropriation for fiscal year 2003 may be expended for financial aid administration, excluding the 4 percent state work study program administrative allowance provision;

(e) \$1,241,000 of the general fund--state appropriation for fiscal year 2002 and \$1,428,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement the Washington scholars program. Any Washington scholars program moneys not awarded by April 1st of each year may be transferred by the board to the Washington award for vocational excellence;

(f) \$588,000 of the general fund--state appropriation for fiscal year 2002 and \$589,000 of the general fund--state appropriation for fiscal year 2003 are provided solely to implement Washington award for vocational excellence program. Any Washington award for vocational program moneys not awarded by April 1st of each year may be transferred by the board to the Washington scholars program;

(g) \$251,000 of the general fund--state appropriation for fiscal year 2002 and \$251,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for community scholarship matching grants of \$2,000 each. Of the amounts provided, no more

than \$5,200 each year is for the administration of the community scholarship matching grant program. To be eligible for the matching grant, a nonprofit community organization organized under section 501(c)(3) of the internal revenue code must demonstrate that it has raised \$2,000 in new moneys for college scholarships after the effective date of this act. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with the citizens' scholarship foundation; and

(h) \$8,250,000 of the general fund--state appropriation for fiscal year 2002 and ~~(\$8,750,000)~~ \$6,300,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the Washington promise scholarship program subject to the following conditions and limitations:

(i) Within available funds, the higher education coordinating board shall award scholarships for use at accredited institutions of higher education in the state of Washington to as many students as possible from among those qualifying under (iv) of this subsection. Each qualifying student will receive two consecutive annual installments, the value of each not to exceed the full-time annual resident tuition rates charged by community colleges. Scholarships awarded to new recipients for the 2002-03 academic year shall not exceed one-thousand dollars per student.

(ii) Of the amounts provided, no more than \$260,000 ~~(each year is)~~ in fiscal year 2002 and no more than \$250,000 in fiscal year 2003 are for administration of the Washington promise scholarship program.

(iii) Other than funds provided for program administration, the higher education coordinating board shall deposit all money received for the program in the Washington promise scholarship account, a nonappropriated fund in the custody of the state treasurer. The account shall be self-sustaining and consist of funds appropriated by the legislature for these scholarships, private contributions, and receipts from refunds of tuition and fees.

(iv) Scholarships in the ~~((2001-03 biennium))~~ 2001-02 academic year shall be awarded to students ~~((who graduate from high school or its equivalent))~~ whose family income does not exceed one hundred thirty-five percent of the state's median family income, adjusted for family size, if they meet any of the following academic criteria:

(A) Students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, or must equal or exceed a cumulative scholastic assessment test score of 1200 on their first attempt;

(B) Students participating in home-based instruction as provided in chapter 28A.200 RCW must equal or exceed a cumulative scholastic assessment test score of 1200 on their first attempt.

(v) For students eligible under (iv) of this subsection, the superintendent of public instruction shall provide the higher education coordinating board with the names, addresses, and unique numeric identifiers of students in the top fifteen percent or who meet the scholastic aptitude test score requirement, as appropriate in each of the respective high school senior or home based instruction classes in Washington state. This shall be provided no later than October 1 of each year.

(vi) Scholarships awarded under this section may only be used at accredited institutions of higher education in the state of Washington for college-related expenses, including but not limited to, tuition, room and board, books, materials, and transportation. The Washington promise scholarship award shall not supplant other scholarship awards, financial aid, or tax programs related to postsecondary education. Scholarships may not be transferred or refunded to students.

(vii) The higher education coordinating board shall evaluate the impact and effectiveness of the Washington promise scholarship program. The evaluation shall include, but not be limited to: (A) An analysis of other financial assistance promise scholarship recipients are receiving through other federal, state, and institutional programs, including grants, work study, tuition waivers, tax credits, and loan programs; (B) an analysis of whether the implementation of the promise scholarship program has had an impact on student indebtedness; and (C) an evaluation of what types of students are successfully completing high school but do not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient. The board shall report its findings to the governor and the legislature by December 1, 2002.

(viii) The higher education coordinating board may adopt rules as necessary to implement this program.

**Sec. 612.** 2001 2nd sp.s. c 7 s 612 (uncodified) is amended to read as follows:

**FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD**

General Fund--State Appropriation (FY 2002) \$ 1,762,000	
General Fund--State Appropriation (FY 2003) \$ <del>((4,720,000))</del>	<u>1,633,000</u>
General Fund--Federal Appropriation \$ 44,987,000	
TOTAL APPROPRIATION \$ <del>((48,469,000))</del>	<u>48,382,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$500,000 of the general fund--state appropriation for fiscal year 2002 and \$500,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for the operations and development of the inland northwest technology education center (INTEC) as a regional resource and model for the rapid deployment of skilled workers trained in the latest technologies for Washington. The board shall serve as an advisor to and fiscal agent for INTEC, and will report back to the governor and legislature by September 2002 as to the progress and future steps for INTEC as this new public-private partnership evolves.

**Sec. 613.** 2001 2nd sp.s. c 7 s 613 (uncodified) is amended to read as follows:

**FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE**

General Fund--State Appropriation (FY 2002) \$ <del>((4,500,000))</del>	<u>1,499,000</u>
General Fund--State Appropriation (FY 2003) \$ <del>((4,500,000))</del>	<u>1,397,000</u>
TOTAL APPROPRIATION \$ <del>((3,000,000))</del>	<u>2,896,000</u>

**Sec. 614.** 2001 2nd sp.s. c 7 s 614 (uncodified) is amended to read as follows:

**FOR WASHINGTON STATE LIBRARY**

General Fund--State Appropriation (FY 2002) \$ 8,791,000	
General Fund--State Appropriation (FY 2003) \$ <del>((8,786,000))</del>	<u>3,209,000</u>
General Fund--Federal Appropriation \$ 6,976,000	
TOTAL APPROPRIATION \$ <del>((24,553,000))</del>	<u>18,976,000</u>

The appropriations in this section are subject to the following conditions and limitations: At least \$2,700,000 shall be expended for a contract with the Seattle public library for library services for the Washington book and braille library.

Sec. 615. 2001 2nd sp.s. c 7 s 615 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE ARTS COMMISSION**

General Fund--State Appropriation (FY 2002) \$ 2,873,000  
General Fund--State Appropriation (FY 2003) \$ ((2,874,000))

2,788,000

General Fund--Federal Appropriation \$ 1,000,000  
General Fund--Private/Local Appropriation \$ 3,000  
TOTAL APPROPRIATION \$ ((6,747,000))

6,664,000

Sec. 616. 2001 2nd sp.s. c 7 s 616 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2002) \$ 2,899,000  
General Fund--State Appropriation (FY 2003) \$ ((3,129,000))

3,035,000

TOTAL APPROPRIATION \$ ((6,028,000))

5,934,000

The appropriations in this section are subject to the following conditions and limitations: \$90,000 of the general fund--state appropriation for fiscal year 2002 and \$285,000 of the general fund--state appropriation for fiscal year 2003 are provided solely for activities related to the Lewis and Clark Bicentennial.

Sec. 617. 2001 2nd sp.s. c 7 s 617 (uncodified) is amended to read as follows:

**FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY**

General Fund--State Appropriation (FY 2002) \$ 1,674,000  
General Fund--State Appropriation (FY 2003) \$ ((1,535,000))

1,489,000

TOTAL APPROPRIATION \$ ((3,209,000))

3,163,000

Sec. 618. 2001 2nd sp.s. c 7 s 618 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE BLIND**

General Fund--State Appropriation (FY 2002) \$ 4,520,000  
General Fund--State Appropriation (FY 2003) \$ ((4,591,000))

4,654,000

General Fund--Private/Local Appropriation \$ ((1,173,000))

1,254,000

TOTAL APPROPRIATION \$ ((10,284,000))

10,428,000

Sec. 619. 2001 2nd sp.s. c 7 s 619 (uncodified) is amended to read as follows:

**FOR THE STATE SCHOOL FOR THE DEAF**

General Fund--State Appropriation (FY 2002) \$ 7,395,000  
General Fund--State Appropriation (FY 2003) \$ ((7,439,000))

7,751,000

General Fund--Private/Local Appropriation \$ 232,000

TOTAL APPROPRIATION \$ ((15,066,000))

15,378,000

The appropriations in this section are subject to the following conditions and limitations: \$250,000 of the general fund--state appropriation for fiscal year 2003 is provided solely for additional staffing and other student safety measures at the school. The school will hire six additional staff, increase staff communications and accessibility, and implement a training program to enhance staff members' abilities to work with at-risk youth.

**PART VII  
SPECIAL APPROPRIATIONS**

Sec. 701. 2001 2nd sp.s. c 7 s 701 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT**

General Fund--State Appropriation (FY 2002) \$ ((629,097,000))

576,097,000

General Fund--State Appropriation (FY 2003) \$ ((567,290,000))

622,540,000

State Building Construction Account--State  
Appropriation \$ ((11,351,000))

7,999,000

Debt-Limit Reimbursable Bond Retire Account--  
State Appropriation \$ 2,591,000

State Taxable Building Construction Account--  
State Appropriation \$ 496,000

TOTAL APPROPRIATION \$ ((1,210,329,000))

1,209,723,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for deposit into the debt-limit general fund bond retirement account. The appropriation for fiscal year 2002 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2002.

Sec. 702. 2001 2nd sp.s. c 7 s 702 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES**

State Convention and Trade Center Account-- State Appropriation \$ ((39,950,000))	<u>29,249,000</u>
Accident Account--State Appropriation \$ ((5,590,000))	<u>5,096,000</u>
Medical Aid Account--State Appropriation \$ ((5,590,000))	<u>5,096,000</u>
TOTAL APPROPRIATION \$ ((51,130,000))	<u>39,441,000</u>

**Sec. 703.** 2001 2nd sp.s. c 7 s 703 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE**

General Fund--State Appropriation (FY 2002) \$ 24,542,000	
General Fund--State Appropriation (FY 2003) \$ 26,706,000	
Capitol Historic District Construction Account--State Appropriation \$ 454,000	
Higher Education Construction Account--State Appropriation \$	<u>499,000</u>
State Higher Education Construction Account-- State Appropriation \$ ((348,000))	<u>50,000</u>
State Vehicle Parking Account--State Appropriation \$ ((35,000))	<u>100,000</u>
Nondebt-Limit Reimbursable Bond Retirement Account-- State Appropriation \$ 128,043,000	
TOTAL APPROPRIATION \$ ((180,943,000))	<u>180,394,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for deposit into the nondebt-limit general fund bond retirement account.

**Sec. 704.** 2001 2nd sp.s. c 7 s 704 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES**

General Fund--State Appropriation (FY 2002) \$ 567,000	
General Fund--State Appropriation (FY 2003) \$ ((568,000))	<u>658,000</u>
Higher Education Construction Account--State Appropriation \$ 77,000	
State Higher Education Construction Account-- State Appropriation \$ 42,000	
State Building Construction Account--State Appropriation \$ 1,488,000	
State Vehicle Parking Account--State Appropriation \$ ((5,000))	<u>10,000</u>
Capitol Historic District Construction Account--State Appropriation \$ 130,000	
State Taxable Building Construction Account-- State Appropriation \$ 50,000	
TOTAL APPROPRIATION \$ ((2,877,000))	<u>3,022,000</u>

**Sec. 705.** 2001 2nd sp.s. c 7 s 706 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL.** The sum of (~~three million dollars~~) \$39,487,000, or so much thereof as may be available on June 30, 2001, from the total amount of unspent fiscal year 2001 fire contingency funding in the disaster response account and the moneys appropriated to the disaster response account in section 707 of this act, is appropriated for the purpose of making allocations to the military department for fire mobilizations costs or to the department of natural resources for fire suppression costs. Of this amount, \$27,513,000 shall be provided to the department of natural resources, \$135,000 shall be provided to the state parks and recreation commission, and \$60,000 shall be provided to the department of fish and wildlife, for costs of fire suppression during the 2001 fire season.

**NEW SECTION. Sec. 706.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**REVOLVING FUND REDUCTIONS.** (1) The 2001-2003 supplemental appropriations in this act reflect reduced appropriations from the specified funds and accounts in the following amounts:

Administrative Hearings Revolving Account \$ 330,000
Legal Services Revolving Account \$ 1,543,000
Data Processing Revolving Account (DIS 419-6) \$ 1,995,000
Data Processing Revolving Account (DIS 419-1) \$ 96,000
Data Processing Revolving Account (OFM 419-6) \$ 339,000
Data Processing Revolving Account (DOP 419-6) \$ 545,000
Department of Personnel Service Account (DOP) \$ 262,000
Department of Personnel Service Account (Sec State) \$ 18,000
Department of Retirement Systems Expense Account \$ 732,000
General Administration Services Account (422-1) \$ 642,000
General Administration Services Account (422-6) \$ 1,302,000

Auditing Services Revolving Account \$ 347,000  
Archives & Records Management Account \$ 177,000

(2) The director of financial management shall distribute these revolving fund savings by uniformly reducing state agencies' allotments accordingly. The distribution of the savings shall reduce general fund--state allotments for fiscal year 2003 by \$3,743,000 and other fund allotments by \$4,241,000. The amount of the allotment reduction shall be placed in reserve status.

**NEW SECTION. Sec. 707.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**EQUIPMENT PURCHASE REDUCTION.** The director of financial management shall reduce allotments from general fund--state appropriations in this act for the 2001-2003 biennium by \$2,300,000 to reflect a freeze on state agency equipment purchases for the remainder of the 2001-03 biennium. The amount of the allotment reduction shall be placed in reserve status. Equipment purchase reductions for the house of representatives and senate are made in sections 101 and 102 of this act and not in this section.

**NEW SECTION. Sec. 708.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**EMPLOYEE TRAVEL REDUCTION.** The director of financial management shall reduce allotments from general fund--state appropriations in this act for the 2001-2003 biennium by \$3,000,000 to reflect the elimination of nonessential travel by state employees and officials. The amount of the allotment reduction shall be placed in reserve status. Employee travel reductions for the house of representatives and senate are made in sections 101 and 102 of this act and not in this section.

**NEW SECTION. Sec. 709.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**CONTINGENCY POOL.** (1) With the prior approval of the office of financial management, agencies may reduce allotments for fiscal year 2002 to reflect all or a portion of, and not to exceed, the administrative, travel, and equipment reductions and efficiency savings enacted in this 2002 supplemental appropriations act as an alternative to allotment reductions for fiscal year 2003.

(2) The sum of one million five hundred thousand dollars from the general fund--state for fiscal year 2003 is appropriated to the governor for providing assistance to state agencies that are unable to effectively absorb the administrative, travel, and equipment reductions and efficiency savings enacted in this 2002 supplemental appropriations act. Allocations to state agencies from this appropriation shall be reported to the legislative fiscal committees by the office of financial management within five days of the allocation.

**Sec. 710.** 2001 2nd sp.s. c 7 s 713 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--DIGITAL GOVERNMENT REVOLVING ACCOUNT**

General Fund--State Appropriation (FY 2002) \$ 2,050,000  
General Fund--State Appropriation (FY 2003) \$ ((2,050,000))

1,050,000

TOTAL APPROPRIATION \$ ((4,100,000))

3,100,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for deposit in the digital government revolving account.

**Sec. 711.** 2001 2nd sp.s. c 7 s 716 (uncodified) is amended to read as follows:

**FOR THE GOVERNOR--COMPENSATION--INSURANCE BENEFITS**

General Fund--State Appropriation (FY 2002) \$ 7,218,000  
General Fund--State Appropriation (FY 2003) \$ ((19,947,000))

14,803,000

General Fund--Federal Appropriation \$ ((8,692,000))

7,374,000

General Fund--Private/Local Appropriation \$ ((456,000))

331,000

Salary and Insurance Increase Revolving Account  
Appropriation \$ ((19,468,000))

15,969,000

TOTAL APPROPRIATION \$ ((55,781,000))

45,695,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$457.29 per eligible employee for fiscal year 2002, and ((~~\$497.69~~) \$482.38) for fiscal year 2003.

(b) Within the rates in (a) of this subsection, \$2.02 per eligible employee shall be included in the employer funding rate for fiscal year 2002, and \$4.10 per eligible employee shall be included in the employer funding rate for fiscal year 2003, solely to increase life insurance coverage in accordance with a court approved settlement in *Burbage et al. v. State of Washington* (Thurston county superior court cause no. 94-2-02560-8).

(c) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065.

(d) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the state treasurer is directed to transfer sufficient moneys from each dedicated fund or account to the special fund salary and insurance contribution increase revolving fund in accordance with schedules provided by the office of financial management.

(3) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for parts A and B of medicare, pursuant to RCW 41.05.085. From January 1, 2002, through December 31, 2002, the subsidy shall be \$85.84. Starting January 1, 2003, the subsidy shall be ((~~\$102.55~~) \$92.74) per month.

(4) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$32.41 per month beginning September 1, 2001, and ((~~\$37.48~~) \$36.36) beginning September 1, 2002;

(b) For each part-time employee who, at the time of the remittance, is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$32.41 each month beginning September

1, 2001, and ((~~\$37,48~~)) ~~\$36.36~~ beginning September 1, 2002, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives.

The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

(5) The salary and insurance increase revolving account appropriation includes amounts sufficient to fund health benefits for ferry workers at the premium levels specified in subsection (1) of this section, consistent with the 2001-2003 transportation appropriations act.

**Sec. 712.** 2001 2nd sp.s. c 7 s 717 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.** The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2001, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2002) \$ (( <del>15,552,000</del> ))	<u>15,437,000</u>
General Fund--State Appropriation (FY 2003) \$ (( <del>16,668,000</del> ))	<u>16,208,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations include reductions to reflect savings resulting from the implementation of state pension contribution rates effective ((~~July 1, 2001, as provided in Senate Bill No. 6167 or House Bill No. 2236~~)) April 1, 2002, as provided in House Bill No. 2782.

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2002) \$ 6,000,000
General Fund--State Appropriation (FY 2003) \$ 6,000,000

(3) There is appropriated for contributions to the judges retirement system:

General Fund--State Appropriation (FY 2002) \$ 250,000
General Fund--State Appropriation (FY 2003) \$ 250,000
TOTAL APPROPRIATION \$ (( <del>44,720,000</del> ))

44,145,000

**NEW SECTION. Sec. 713.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--PENSION SAVINGS.** The office of financial management shall reduce allotments from the appropriations for agencies of the state by \$1,208,000 from the general fund--state fiscal year 2002 appropriations, \$4,929,000 from the general fund--state fiscal year 2003 appropriations, \$1,606,000 from the general fund--federal 2001-03 appropriations, \$148,000 from the general fund--private/local 2001-03 appropriations, and \$4,326,000 from other funds 2001-03 appropriations to reflect savings from pension contribution rate reductions, effective April 1, 2002, as provided in House Bill No. 2782.

**Sec. 714.** 2001 2nd sp.s. c 7 s 719 (uncodified) is amended to read as follows:

**SALARY COST OF LIVING ADJUSTMENT**

General Fund--State Appropriation (FY 2002) \$ 41,712,000
General Fund--State Appropriation (FY 2003) \$ (( <del>73,358,000</del> ))

44,469,000

General Fund--Federal Appropriation \$ (( <del>37,955,000</del> ))
--

25,629,000

General Fund--Private/Local Appropriation \$ (( <del>2,325,000</del> ))
---

1,876,000

Salary and Insurance Increase Revolving Account Appropriation \$ (( <del>92,156,000</del> ))
---

68,224,000

TOTAL APPROPRIATION \$ ((~~247,506,000~~))

181,910,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations:

(1) In addition to the purposes set forth in subsections (2) and (3) of this section, appropriations in this section are provided solely for a 3.7 percent salary increase effective July 1, 2001, for all classified employees, except the certificated employees of the state schools for the deaf and blind, and including those employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board. ((Funds are also provided for salary increases for classified employees on July 1, 2002, in a percentage amount to be determined by the 2002 legislature.))

(2) The appropriations in this section are sufficient to fund a 3.7 percent salary increase effective July 1, 2001, for general government, legislative, and judicial employees exempt from merit system rules whose maximum salaries are not set by the commission on salaries for elected officials. ((Funds are also provided for salary increases for these employees on July 1, 2002, in a percentage amount to be determined by the 2002 legislature.))

(3) The salary and insurance increase revolving account appropriation in this section includes funds sufficient to fund a 3.7 percent salary increase effective July 1, 2001, for ferry workers consistent with the 2001-03 transportation appropriations act. ((Funds are also provided for salary increases for ferry workers on July 1, 2002, in a percentage amount to be determined by the 2002 legislature.))

(4)(a) No salary increase may be paid under this section to any person whose salary has been Y-rated pursuant to rules adopted by the personnel resources board.

(b) The average salary increases paid under this section to agency officials whose maximum salaries are established by the committee on agency official salaries shall not exceed the average increases provided by subsection (2) of this section.

**Sec. 715.** 2001 2nd sp.s. c 7 s 720 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--EDUCATION TECHNOLOGY REVOLVING ACCOUNT**

General Fund--State Appropriation (FY 2002) \$ 11,264,000
((General Fund--State Appropriation (FY 2003) \$ 11,264,000

TOTAL APPROPRIATION \$ 22,528,000))

The appropriation(s) in this section ((are)) is subject to the following conditions and limitations:

(1) The appropriation(s) in this section ((are)) is for appropriation to the education technology revolving account for the purpose of covering operational and transport costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

(2) Use of these moneys to connect public libraries are limited to public libraries which have in place a policy of internet safety applied to publicly available computers with internet access via the K-20 educational network that protects against access to visual depictions that are (a) obscene under chapter 9.68 RCW; or (b) sexual exploitation of children under chapter 9.68A RCW.

**Sec. 716.** 2001 2nd sp.s. c 7 s 722 (uncodified) is amended to read as follows:

<b>FOR THE OFFICE OF FINANCIAL MANAGEMENT--COMPENSATION ACTIONS OF PERSONNEL RESOURCES BOARD</b>	
General Fund--State Appropriation (FY 2002) \$ ((9,179,000))	<u>9,183,000</u>
General Fund--State Appropriation (FY 2003) \$ ((18,359,000))	
	<u>18,369,000</u>
General Fund--Federal Appropriation \$ 10,392,000	
Salary and Insurance Increase Revolving Account	
Appropriation \$ ((2,735,000))	<u>2,809,000</u>
TOTAL APPROPRIATION \$ ((40,665,000))	<u>40,753,000</u>

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided to implement the salary increase recommendations of the Washington personnel resources board for the priority classes identified through item 8B pursuant to RCW 41.06.152. The salary increases shall be effective January 1, 2002.

**NEW SECTION. Sec. 717.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--STATE EMPLOYEE HEALTH BENEFITS**

General Fund--State Appropriation (FY 2003) \$ 6,000,000  
General Fund--Federal Appropriation (FY 2003) \$ 2,000,000  
TOTAL APPROPRIATION \$ 8,000,000

The appropriations in this section shall be expended solely for the purposes designated in this section and are subject to the following conditions and limitations: Funding is provided solely for state employee health benefits.

**Sec. 718.** 2001 2nd sp.s. c 7 s 723 (uncodified) is amended to read as follows:

**INCENTIVE SAVINGS--FY 2002.** The sum of one hundred million dollars or so much thereof as may be available on June 30, 2002, from the total amount of unspent fiscal year 2002 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) Of the total appropriated amount, any amount attributable to unspent general fund--state appropriations in the state need grant program, the state work study program, the Washington scholars program, and the Washington award for vocational excellence program is appropriated to the state financial aid account pursuant to Substitute House Bill No. 2914 (state financial aid account).

(3) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

((3)) (4) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, amounts included in allotment reductions in sections 706, 707, 708, and 713 of this act, or any amounts included in cross-the-board allotment reductions under RCW 43.88.110.

**Sec. 719.** 2001 2nd sp.s. c 7 s 724 (uncodified) is amended to read as follows:

**INCENTIVE SAVINGS--FY 2003.** The sum of one hundred million dollars or so much thereof as may be available on June 30, 2003, from the total amount of unspent fiscal year 2003 state general fund appropriations is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) Of the total appropriated amount, any amount attributable to unspent general fund--state appropriations in the state need grant program, the state work study program, the Washington scholars program, and the Washington award for vocational excellence program is appropriated to the state financial aid account pursuant to Substitute House Bill No. 2914 (state financial aid account).

(3) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

((3)) (4) For purposes of this section, the total amount of unspent state general fund appropriations does not include the appropriations made in this section, amounts included in allotment reductions in sections 706, 707, 708, and 713 of this act, or any amounts included in cross-the-board allotment reductions under RCW 43.88.110.

**NEW SECTION. Sec. 720.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS**

Public Safety and Education Account--State  
Appropriation \$ 394,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute the appropriation to the following counties in the amounts designated for extraordinary criminal justice costs:

Franklin \$ 312,000  
Stevens \$ 82,000

**NEW SECTION. Sec. 721.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY ASSISTANCE**

General Fund--State Appropriation (FY 2003) \$ 5,000,000

The appropriation in this section is subject to the following conditions and limitations: The director of community, trade, and economic development shall distribute the appropriation in this section to the following counties in the amounts designated:

Adams \$ 51,000  
Asotin \$ 366,000  
Benton \$ 68,000  
Chelan \$ 250,000  
Columbia \$ 516,000  
Douglas \$ 212,000  
Ferry \$ 358,000  
Franklin \$ 75,000  
Garfield \$ 524,000  
Lincoln \$ 121,000  
Mason \$ 353,000  
Okanogan \$ 495,000  
Pacific \$ 122,000  
Pend Oreille \$ 179,000  
Stevens \$ 382,000  
Wahkiakum \$ 391,000  
Walla Walla \$ 195,000  
Yakima \$ 342,000  
TOTAL \$ 5,000,000

Sec. 722. 2001 2nd sp.s. c 7 s 727 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--COUNTY CORPORATION ASSISTANCE**

General Fund--State Appropriation (FY 2002) \$ 24,410,534

~~((General Fund--State Appropriation (FY 2003) \$ 25,137,970~~

~~TOTAL APPROPRIATION \$ 49,548,504))~~

The appropriation(s) in this section ~~((are))~~ is subject to the following conditions and limitations:

(1)(a) The department shall withhold distributions under subsection (2) of this section to any county that has not paid its fifty percent share of the employer contribution on behalf of superior court judges for insurance and health care plans and federal social security and medicare and medical aid benefits for the fiscal year. As required by Article IV, section 13 of the state Constitution and 1996 Attorney General's Opinion No. 2, it is the intent of the legislature that the costs of these employer contributions shall be shared equally between the state and county or counties in which the judges serve.

(b) After receiving written notification from the office of the administrator for the courts that a county has paid its fifty percent share as required under (a) of this subsection, the department shall distribute the amount designated for the fiscal year under subsection (2) of this section.

(2) The director of community, trade, and economic development shall distribute the appropriations to the following counties in the amounts designated:

~~((2001-03))~~

~~County FY 2002 ((FY 2003 Biennium))~~

~~Adams 290,303 ((295,993-586,296))~~

~~Asotin 422,074 ((434,598-856,672))~~

~~Benton 966,480 ((999,163-1,965,643))~~

~~Chelan 637,688 ((651,982-1,289,670))~~

~~Clallam 444,419 ((454,391-898,810))~~

~~Clark 641,571 ((678,997-1,320,568))~~

~~Columbia 561,888 ((572,901-1,134,789))~~

~~Cowlitz 771,879 ((795,808-1,567,687))~~

~~Douglas 505,585 ((528,184-1,033,769))~~

~~Ferry 389,909 ((397,551-787,460))~~

~~Franklin 442,624 ((464,018-906,642))~~

~~Garfield 571,303 ((582,501-1,153,804))~~

~~Grant 579,631 ((604,072-1,183,703))~~

~~Grays Harbor 540,315 ((550,905-1,091,220))~~

~~Island 483,589 ((503,205-986,794))~~

~~Jefferson 239,914 ((249,924-489,838))~~

~~King 2,661,862 ((2,720,716-5,382,578))~~

~~Kitsap 469,992 ((480,178-950,170))~~

~~Kittitas 366,971 ((383,027-749,998))~~

~~Klickitat 204,726 ((217,555-422,281))~~

~~Lewis 583,702 ((598,004-1,181,706))~~

~~Lincoln 290,754 ((302,151-592,905))~~

~~Mason 905,060 ((930,959-1,836,019))~~

~~Okanogan 548,848 ((560,332-1,109,180))~~

~~Pacific 344,047 ((350,790-694,837))~~

~~Pend Oreille 280,342 ((285,837-566,179))~~

~~Pierce 1,246,530 ((1,284,087-2,530,617))~~

~~San Juan 85,712 ((91,859-177,571))~~

~~Skagit 911,491 ((944,914-1,856,405))~~

~~Skamania 172,840 ((176,228-349,068))~~

**Snohomish 1,017,209 ((1,058,571-2,075,780))**  
**Spokane 804,124 ((823,359-1,627,483))**  
**Stevens 811,482 ((835,598-1,647,080))**  
**Thurston 1,031,888 ((1,061,579-2,093,467))**  
**Wahkiakum 507,528 ((517,476-1,025,004))**  
**Walla Walla 241,341 ((247,105-488,446))**  
**Whatcom 408,025 ((429,069-837,094))**  
**Whitman 134,870 ((138,191-273,061))**  
**Yakima 1,892,018 ((1,936,192-3,828,210))**  
**TOTAL APPROPRIATIONS 24,410,534 ((25,137,970-49,548,504))**

Sec. 723. 2001 2nd sp.s. c 7 s 728 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--MUNICIPAL CORPORATION ASSISTANCE**

General Fund--State Appropriation (FY 2002) \$ 45,884,610

((General Fund--State Appropriation (FY 2003) \$ 47,251,839

TOTAL APPROPRIATION \$ 93,136,449))

The appropriation(s) in this section ((are)) is subject to the following conditions and limitations:

(1) The director of community, trade, and economic development shall distribute the appropriation to the following cities and municipalities in the amounts designated: **((2001-03))**

**City FY 2002 ((FY 2003 Biennium))**

**Aberdeen 119,986 ((123,562-243,548))**  
**Airway Heights 111,259 ((114,575-225,834))**  
**Albion 66,339 ((68,316-134,655))**  
**Algona 32,672 ((33,646-66,318))**  
**Almira 12,519 ((12,892-25,411))**  
**Anacortes 70,930 ((73,044-143,974))**  
**Arlington 42,344 ((43,606-85,950))**  
**Asotin 57,623 ((59,340-116,963))**  
**Auburn 192,405 ((198,139-390,544))**  
**Bainbridge Island 293,851 ((302,608-596,459))**  
**Battle Ground 118,303 ((121,828-240,131))**  
**Beaux Arts 1,784 ((1,837-3,621))**  
**Bellevue 524,203 ((539,824-1,064,027))**  
**Bellingham 369,121 ((380,121-749,242))**  
**Benton City 111,380 ((114,699-226,079))**  
**Bingen 6,602 ((6,799-13,401))**  
**Black Diamond 254,698 ((262,288-516,986))**  
**Blaine 20,853 ((21,474-42,327))**  
**Bonney Lake 158,738 ((163,468-322,206))**  
**Bothell 137,270 ((141,361-278,631))**  
**Bremerton 214,020 ((220,398-434,418))**  
**Brewster 11,250 ((11,585-22,835))**  
**Bridgeport 188,216 ((193,825-382,041))**  
**Brier 532,011 ((547,865-1,079,876))**  
**Buckley 68,227 ((70,260-138,487))**  
**Bucoda 52,876 ((54,452-107,328))**  
**Burien 284,265 ((292,736-577,001))**  
**Burlington 27,407 ((28,224-55,631))**  
**Camas 53,654 ((55,253-108,907))**  
**Carbonado 56,785 ((58,477-115,262))**  
**Carnation 9,593 ((9,879-19,472))**  
**Cashmere 120,801 ((124,401-245,202))**  
**Castle Rock 29,980 ((30,873-60,853))**  
**Cathlamet 6,265 ((6,452-12,717))**  
**Centralia 101,426 ((104,448-205,874))**  
**Chehalis 34,601 ((35,632-70,233))**  
**Chelan 19,515 ((20,097-39,612))**  
**Cheney 314,316 ((323,683-637,999))**  
**Chewelah 66,731 ((68,720-135,451))**  
**Clarkston 83,910 ((86,411-170,321))**  
**Cle Elum 8,692 ((8,951-17,643))**  
**Clyde Hill 136,778 ((140,854-277,632))**  
**Colfax 74,672 ((76,897-151,569))**  
**College Place 526,480 ((542,169-1,068,649))**  
**Colton 27,473 ((28,292-55,765))**  
**Colville 23,389 ((24,086-47,475))**  
**Conconully 13,675 ((14,083-27,758))**  
**Concrete 27,006 ((27,811-54,817))**  
**Connell 164,950 ((169,866-334,816))**  
**Cosmopolis 15,395 ((15,854-31,249))**  
**Coulee City 2,804 ((2,888-5,692))**  
**Coulee Dam 61,408 ((63,238-124,646))**  
**Coupeville 7,708 ((7,938-15,646))**  
**Covington 690,851 ((711,438-1,402,289))**  
**Creston 12,905 ((13,290-26,195))**  
**Cusick 9,341 ((9,619-18,960))**  
**Darrington 59,838 ((61,621-121,459))**  
**Davenport 66,350 ((68,327-134,677))**

Dayton 92,685 ((95,447-188,132))  
Deer Park 16,059 ((16,538-32,597))  
Des Moines 1,482,120 ((1,526,287-3,008,407))  
Dupont 8,109 ((8,351-16,460))  
Duvall 66,128 ((68,099-134,227))  
East Wenatchee 30,678 ((31,592-62,270))  
Eatonville 8,848 ((9,112-17,960))  
Edgewood 901,766 ((928,639-1,830,405))  
Edmonds 456,336 ((469,935-926,271))  
Electric City 87,243 ((89,843-177,086))  
Ellensburg 81,982 ((84,425-166,407))  
Elma 84,676 ((87,199-171,875))  
Elmer City 29,811 ((30,699-60,510))  
Endicott 28,758 ((29,615-58,373))  
Entiat 58,244 ((59,980-118,224))  
Enumclaw 53,013 ((54,593-107,606))  
Ephrata 59,987 ((61,775-121,762))  
Everett 495,428 ((510,192-1,005,620))  
Everson 67,517 ((69,529-137,046))  
Fairfield 18,540 ((19,092-37,632))  
Farmington 12,072 ((12,432-24,504))  
Federal Way 470,179 ((484,190-954,369))  
Ferndale 74,669 ((76,894-151,563))  
Fife 25,411 ((26,168-51,579))  
Fircrest 386,146 ((397,653-783,799))  
Forks 110,712 ((114,011-224,723))  
Friday Harbor 9,791 ((10,083-19,874))  
Garfield 45,263 ((46,612-91,875))  
George 19,319 ((19,895-39,214))  
Gig Harbor 31,615 ((32,557-64,172))  
Gold Bar 134,531 ((138,540-273,074))  
Goldendale 49,519 ((50,995-100,514))  
Grand Coulee 5,805 ((5,978-11,783))  
Grandview 256,347 ((263,986-520,333))  
Granger 173,094 ((178,252-351,346))  
Granite Falls 10,946 ((11,272-22,218))  
Hamilton 17,437 ((17,957-35,394))  
Harrah 46,947 ((48,346-95,293))  
Harrington 18,107 ((18,647-36,754))  
Hartline 11,392 ((11,731-23,123))  
Hatton 12,176 ((12,539-24,715))  
Hoquiam 374,903 ((386,075-760,978))  
Hunts Point 2,432 ((2,504-4,936))  
Ilwaco 13,150 ((13,542-26,692))  
Index 4,181 ((4,306-8,487))  
Ione 17,566 ((18,089-35,655))  
Issaquah 50,002 ((51,492-101,494))  
Kahlotus 20,210 ((20,812-41,022))  
Kalama 7,892 ((8,127-16,019))  
Kelso 68,904 ((70,957-139,861))  
Kenmore 1,099,395 ((1,132,157-2,231,552))  
Kennewick 293,534 ((302,281-595,815))  
Kent 360,624 ((371,371-731,995))  
Kettle Falls 64,422 ((66,342-130,764))  
Kirkland 221,429 ((228,028-449,457))  
Kittitas 72,698 ((74,864-147,562))  
Krupp 4,445 ((4,577-9,022))  
La Center 34,415 ((35,441-69,856))  
La Conner 3,817 ((3,931-7,748))  
La Crosse 20,141 ((20,741-40,882))  
Lacey 143,243 ((147,512-290,755))  
Lake Forest Park 897,932 ((924,690-1,822,622))  
Lake Stevens 142,295 ((146,535-288,830))  
Lakewood 2,955,109 ((3,043,171-5,998,280))  
Lamont 7,492 ((7,715-15,207))  
Langley 5,303 ((5,461-10,764))  
Latah 11,962 ((12,318-24,280))  
Leavenworth 12,189 ((12,552-24,741))  
Lind 2,217 ((2,283-4,500))  
Long Beach 10,269 ((10,575-20,844))  
Longview 249,836 ((257,281-507,117))  
Lyman 16,741 ((17,240-33,981))  
Lynden 42,717 ((43,990-86,707))  
Lynnwood 163,579 ((168,454-332,033))  
Mabton 142,491 ((146,737-289,228))  
Malden 21,588 ((22,231-43,819))  
Mansfield 26,744 ((27,541-54,285))  
Maple Valley 359,478 ((370,190-729,668))  
Marcus 14,126 ((14,547-28,673))  
Marysville 102,028 ((105,068-207,096))

Mattawa 100,064 ((103,046-203,110))  
McCleary 105,807 ((108,960-214,767))  
Medical Lake 114,323 ((117,730-232,053))  
Medina 14,355 ((14,783-29,138))  
Mercer Island 383,527 ((394,956-778,483))  
Mesa 16,835 ((17,337-34,172))  
Metaline 14,150 ((14,572-28,722))  
Metaline Falls 7,718 ((7,948-15,666))  
Mill Creek 174,495 ((179,695-354,190))  
Millwood 22,619 ((23,293-45,912))  
Milton 28,030 ((28,865-56,895))  
Monroe 56,517 ((58,201-114,718))  
Montesano 60,229 ((62,024-122,253))  
Morton 5,891 ((6,067-11,958))  
Moses Lake 105,670 ((108,819-214,489))  
Mossyrock 16,545 ((17,038-33,583))  
Mount Vernon 130,780 ((134,677-265,457))  
Mountlake Terrace 711,188 ((732,381-1,443,569))  
Moxee 40,448 ((41,653-82,101))  
Mukilteo 274,482 ((282,662-557,144))  
Naches 7,632 ((7,859-15,491))  
Napavine 96,030 ((98,892-194,922))  
Nespelem 17,614 ((18,139-35,753))  
Newcastle 290,801 ((299,467-590,268))  
Newport 13,223 ((13,617-26,840))  
Nooksack 58,178 ((59,912-118,090))  
Normandy Park 489,113 ((503,689-992,802))  
North Bend 20,754 ((21,372-42,126))  
North Bonneville 30,574 ((31,485-62,059))  
Northport 23,489 ((24,189-47,678))  
Oak Harbor 278,157 ((286,446-564,603))  
Oakesdale 31,060 ((31,986-63,046))  
Oakville 43,411 ((44,705-88,116))  
Ocean Shores 64,837 ((66,769-131,606))  
Odessa 4,721 ((4,862-9,583))  
Okanogan 12,323 ((12,690-25,013))  
Olympia 198,476 ((204,391-402,867))  
Omak 26,117 ((26,895-53,042))  
Oroville 12,506 ((12,879-25,385))  
Orting 191,211 ((196,909-388,120))  
Othello 26,808 ((27,607-54,415))  
Pacific 69,124 ((71,184-140,308))  
Palouse 55,067 ((56,708-111,775))  
Pasco 131,298 ((135,211-266,509))  
Pateros 28,021 ((28,856-56,877))  
Pe Ell 54,800 ((56,433-111,233))  
Pomeroy 52,485 ((54,049-106,534))  
Port Angeles 124,595 ((128,308-252,903))  
Port Orchard 41,797 ((43,043-84,840))  
Port Townsend 47,126 ((48,530-95,656))  
Poulsbo 31,812 ((32,760-64,572))  
Prescott 12,349 ((12,717-25,066))  
Prosser 24,137 ((24,856-48,993))  
Pullman 584,659 ((602,082-1,186,741))  
Puyallup 151,732 ((156,254-307,986))  
Quincy 20,244 ((20,847-41,091))  
Rainier 111,521 ((114,844-226,365))  
Raymond 85,311 ((87,853-173,164))  
Reardan 38,184 ((39,322-77,506))  
Redmond 215,259 ((221,674-436,933))  
Renton 235,053 ((242,058-477,111))  
Republic 25,085 ((25,833-50,918))  
Richland 441,733 ((454,897-896,630))  
Ridgefield 55,637 ((57,295-112,932))  
Ritzville 8,498 ((8,751-17,249))  
Riverside 27,204 ((28,015-55,219))  
Rock Island 36,527 ((37,616-74,143))  
Rockford 18,965 ((19,530-38,495))  
Rosalia 36,719 ((37,813-74,532))  
Roslyn 64,571 ((66,495-131,066))  
Roy 1,709 ((1,760-3,469))  
Royal City 66,657 ((68,643-135,300))  
Ruston 50,309 ((51,808-102,117))  
Sammamish 2,361,433 ((2,431,804-4,793,237))  
Seatac 132,183 ((136,122-268,305))  
Seattle 3,189,346 ((3,284,389-6,473,735))  
Sedro-Woolley 54,896 ((56,532-111,428))  
Selah 80,704 ((83,109-163,813))  
Sequim 21,867 ((22,519-44,386))  
Shelton 58,160 ((59,893-118,053))

Shoreline 1,485,138 ((1,529,395-3,014,533))  
 Skykomish 1,417 ((1,459-2,876))  
 Snohomish 40,722 ((41,936-82,658))  
 Snoqualmie 9,587 ((9,873-19,460))  
 Soap Lake 102,783 ((105,846-208,629))  
 South Bend 75,826 ((78,086-153,912))  
 South Cle Elum 46,847 ((48,243-95,090))  
 South Prairie 18,788 ((19,348-38,136))  
 Spangle 1,397 ((1,439-2,836))  
 Spokane 1,116,419 ((1,149,688-2,266,107))  
 Sprague 22,930 ((23,613-46,543))  
 Springdale 11,080 ((11,410-22,490))  
 St. John 4,245 ((4,372-8,617))  
 Stanwood 21,141 ((21,771-42,912))  
 Starbuck 8,949 ((9,216-18,165))  
 Steilacoom 285,807 ((294,324-580,131))  
 Stevenson 11,673 ((12,021-23,694))  
 Sultan 63,199 ((65,082-128,281))  
 Sumas 7,885 ((8,120-16,005))  
 Sumner 41,931 ((43,181-85,112))  
 Sunnyside 70,805 ((72,915-143,720))  
 Tacoma 1,384,646 ((1,425,908-2,810,554))  
 Tekoa 49,373 ((50,844-100,217))  
 Tenino 68,820 ((70,871-139,691))  
 Tieton 74,506 ((76,726-151,232))  
 Toledo 8,084 ((8,325-16,409))  
 Tonasket 5,500 ((5,664-11,164))  
 Toppenish 443,488 ((456,704-900,192))  
 Tukwila 75,320 ((77,565-152,885))  
 Tumwater 61,848 ((63,691-125,539))  
 Twisp 4,793 ((4,936-9,729))  
 Union Gap 27,129 ((27,937-55,066))  
 Uniontown 19,805 ((20,395-40,200))  
 University Place 1,889,912 ((1,946,231-3,836,143))  
 Vader 40,643 ((41,854-82,497))  
 Vancouver 1,177,584 ((1,212,676-2,390,260))  
 Waitsburg 81,097 ((83,514-164,611))  
 Walla Walla 318,679 ((328,176-646,855))  
 Wapato 230,783 ((237,660-468,443))  
 Warden 105,612 ((108,759-214,371))  
 Washougal 177,022 ((182,297-359,319))  
 Washtucna 20,654 ((21,269-41,923))  
 Waterville 72,880 ((75,052-147,932))  
 Waverly 10,256 ((10,562-20,818))  
 Wenatchee 147,602 ((152,001-299,603))  
 West Richland 489,752 ((504,347-994,099))  
 Westport 13,715 ((14,124-27,839))  
 White Salmon 53,746 ((55,348-109,094))  
 Wilbur 23,614 ((24,318-47,932))  
 Wilkeson 18,762 ((19,321-38,083))  
 Wilson Creek 18,403 ((18,951-37,354))  
 Winlock 35,212 ((36,261-71,473))  
 Winthrop 1,756 ((1,808-3,564))  
 Woodinville 56,052 ((57,722-113,774))  
 Woodland 17,960 ((18,495-36,455))  
 Woodway 12,513 ((12,886-25,399))  
 Yacolt 36,636 ((37,728-74,364))  
 Yakima 487,766 ((502,301-990,067))  
 Yarrow Point 32,121 ((33,078-65,199))  
 Yelm 15,677 ((16,144-31,821))  
 Zillah 100,818 ((103,822-204,640))  
**TOTAL APPROPRIATIONS 45,545,942 ((46,903,217-92,449,159))**

(2) \$338,668 for fiscal year 2002 ((and \$348,622 for fiscal year 2003)) from this appropriation ((are)) is provided solely to address the contingencies listed in this subsection. The department shall distribute the moneys no later than March 31, 2002, ((and March 31, 2003,)) for the respective appropriations. Moneys shall be distributed for the following purposes, ranked in order of priority:

- (a) To correct for data errors in the determination of distributions in subsection (1) of this section;
- (b) To distribute to newly qualifying jurisdictions as if the jurisdiction had been in existence prior to November 1999;
- (c) To allocate under emergency situations as determined by the director of the department of community, trade, and economic development in consultation with the association of Washington cities; and
- (d) After April 1 ((st of each year in the fiscal biennium ending June 30, 2003)), 2001, any moneys remaining from the amounts provided in this subsection shall be prorated and distributed to cities and towns on the basis of the amounts distributed for emergency considerations in November 2000 as provided in section 729, chapter 1, Laws of 2000, 2nd sp. sess.

**NEW SECTION. Sec. 724.** A new section is added to 2001 2nd sp.s. c 7 (unmodified) to read as follows:  
**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT--MUNICIPAL ASSISTANCE**  
 General Fund--State Appropriation (FY 2003) (i) \$ 8,000,000

The appropriation in this section is subject to the following conditions and limitations: The director of community, trade, and economic development shall distribute the appropriation in this section to the following cities in the amounts designated:

Airway Heights \$ 10,000  
Albion \$ 55,000  
Almira \$ 2,000  
Asotin \$ 22,000  
Benton City \$ 35,000  
Black Diamond \$ 42,000  
Bridgeport \$ 155,000  
Brier \$ 294,000  
Bucoda \$ 34,000  
Carbonado \$ 34,000  
Cashmere \$ 30,000  
Cheney \$ 44,000  
Chewelah \$ 3,000  
Colfax \$ 2,000  
College Place \$ 314,000  
Colton \$ 12,000  
Conconully \$ 9,000  
Concrete \$ 3,000  
Connell \$ 62,000  
Coulee Dam \$ 13,000  
Covington \$ 268,000  
Creston \$ 4,000  
Cusick \$ 1,000  
Darrington \$ 13,000  
Davenport \$ 10,000  
Dayton \$ 3,000  
Des Moines \$ 367,000  
Edgewood \$ 622,000  
Electric City \$ 61,000  
Elma \$ 4,000  
Elmer City \$ 25,000  
Endicott \$ 24,000  
Entiat \$ 23,000  
Everson \$ 11,000  
Fairfield \$ 3,000  
Farmington \$ 6,000  
Fircrest \$ 114,000  
Forks \$ 11,000  
Garfield \$ 28,000  
George \$ 5,000  
Gold Bar \$ 66,000  
Grandview \$ 35,000  
Granger \$ 64,000  
Hamilton \$ 9,000  
Harrah \$ 36,000  
Harrington \$ 2,000  
Hartline \$ 7,000  
Hatton \$ 10,000  
Hoquiam \$ 44,000  
Index \$ 1,000  
Ione \$ 4,000  
Kahlotus \$ 13,000  
Kenmore \$ 301,000  
Kettle Falls \$ 9,000  
Kittitas \$ 38,000  
Krupp \$ 2,000  
Lacrosse \$ 6,000  
Lake Forest Park \$ 311,000  
Lake Stevens \$ 10,000  
Lakewood \$ 808,000  
Lamont \$ 6,000  
Latah \$ 6,000  
Lyman \$ 8,000  
Mabton \$ 117,000  
Malden \$ 18,000  
Mansfield \$ 18,000  
Maple Valley \$ 38,000  
Marcus \$ 8,000  
Mattawa \$ 39,000  
McCleary \$ 33,000  
Medical Lake \$ 22,000  
Mesa \$ 4,000  
Metaline \$ 5,000  
Metaline Falls \$ 2,000  
Mossyrock \$ 1,000  
Mountlake Terrace \$ 72,000  
Moxee \$ 5,000  
Napavine \$ 44,000  
Nespelem \$ 15,000

Newcastle \$ 4,000  
 Nooksack \$ 29,000  
 Normandy Park \$ 187,000  
 North Bonneville \$ 4,000  
 Northport \$ 16,000  
 Oakesdale \$ 7,000  
 Oakville \$ 16,000  
 Orting \$ 27,000  
 Palouse \$ 17,000  
 Pateros \$ 1,000  
 Pe Ell \$ 45,000  
 Pomeroy \$ 6,000  
 Prescott \$ 3,000  
 Pullman \$ 49,000  
 Rainier \$ 61,000  
 Raymond \$ 1,000  
 Reardan \$ 19,000  
 Republic \$ 3,000  
 Riverside \$ 16,000  
 Rock Island \$ 13,000  
 Rockford \$ 4,000  
 Rosalia \$ 15,000  
 Roslyn \$ 26,000  
 Royal City \$ 27,000  
 Ruston \$ 18,000  
 Sammamish \$ 737,000  
 Shoreline \$ 148,000  
 Soap Lake \$ 43,000  
 South Bend \$ 12,000  
 South Cle Elum \$ 25,000  
 South Prairie \$ 4,000  
 Sprague \$ 3,000  
 Springdale \$ 2,000  
 Starbuck \$ 6,000  
 Steilacoom \$ 44,000  
 Tekoa \$ 11,000  
 Tenino \$ 15,000  
 Tieton \$ 28,000  
 Toppenish \$ 143,000  
 Uniontown \$ 7,000  
 University Place \$ 700,000  
 Vader \$ 28,000  
 Waitsburg \$ 35,000  
 Wapato \$ 80,000  
 Warden \$ 22,000  
 Washtucna \$ 17,000  
 Waterville \$ 29,000  
 Waverly \$ 8,000  
 West Richland \$ 191,000  
 White Salmon \$ 2,000  
 Wilbur \$ 1,000  
 Wilkeson \$ 2,000  
 Wilson Creek \$ 8,000  
 Yacolt \$ 8,000  
 Zillah \$ 12,000

TOTAL \$ 8,000,000

Sec. 725. 2001 2nd sp.s. c 7 s 730 (uncodified) is amended to read as follows:

**FOR THE LIABILITY ACCOUNT**

General Fund--State Appropriation (FY 2002) \$ 12,000,000  
 General Fund--State Appropriation (FY 2003) \$ ((6,392,000))

19,392,000

((State Surplus Assets Reserve Fund--State  
 Appropriation \$ 25,000,000))

TOTAL APPROPRIATION \$ 31,392,000

The appropriations in this section are provided solely for deposit in the liability account.

**NEW SECTION. Sec. 726.** A new section is added to 2001 2nd sp.s. c 7 (uncodified) to read as follows:

**FOR SUNDRY CLAIMS.** The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of general administration, except as otherwise provided, as follows:

- (1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:
  - (a) Eythor Westman, claim number SCJ 02-01 \$ 7,000
  - (b) Stacey Julian, claim number SCJ 02-02 \$ 59,136
  - (c) Christopher Denney, claim number SCJ 02-03 \$ 11,598
  - (d) Onofre Vazquez, claim number SCJ 02-04 \$ 200
  - (e) William Voorhies, claim number SCJ 02-05 \$ 3,694
  - (f) Glenn Rowilson, claim number SCJ 02-06 \$ 14,395
  - (g) Frankie Doerr, claim number SCJ 02-07 \$ 9,100
  - (h) Ralph Howard, claim number SCJ 00-09 \$ 99,497

- (i) Johnny Adams, claim number SCJ 01-17 \$ 11,916
- (j) Shane Mathus, claim number SCJ 02-08 \$ 13,043
- (k) Timothy Farnam, claim number SCJ 02-09 \$ 21,822
- (l) Rebecca Williams, claim number SCJ 02-10 \$ 2,241
- (m) Stewart Bailey, claim number SCJ 02-11 \$ 4,186
- (n) Aaron Knaack, claim number SCJ 02-13 \$ 4,330
- (o) Jacob Clark, claim number SCJ 02-14 \$ 11,613
- (2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:
  - (a) Ronald Palmer, claim number SCG 02-0 \$ 1,522
  - (b) Keith Morris, claim number SCG 02-02 \$ 1,315
  - (c) Edgar Roush, claim number SCG 02-03 \$ 1,459

Sec. 727. 2001 2nd sp.s. c 7 s 705 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--EMERGENCY FUND**

General Fund--State Appropriation (FY 2002)	\$ 850,000	
General Fund--State Appropriation (FY 2003)	\$ ((850,000))	8,010,000
TOTAL APPROPRIATION \$ ((1,700,000))		8,860,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency. Up to \$5,298,000 of the fiscal year 2003 appropriation is provided for costs associated with implementing House Bill No. 2926 (transferring the state library to the office of secretary of state.)

**PART VIII  
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 2001 2nd sp.s. c 7 s 801 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

General Fund Appropriation for fire insurance premium distributions	\$ ((6,528,600))	<u>7,526,700</u>
General Fund Appropriation for public utility district excise tax distributions	\$ ((36,427,306))	<u>34,754,723</u>
General Fund Appropriation for prosecuting attorney distributions	\$ ((3,090,000))	<u>3,110,000</u>
General Fund Appropriation for boating safety/ education and law enforcement distributions	\$ 3,780,000	
General Fund Appropriation for other tax distributions	\$ ((39,566))	<u>1,951,556</u>
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$ 1,621,537	
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$ 147,500	
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	\$ ((68,562,000))	<u>57,405,032</u>
County Criminal Justice Assistance Appropriation	\$ 49,835,213	
Municipal Criminal Justice Assistance Appropriation	\$ 19,988,097	
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$ 28,659,331	
Liquor Revolving Account Appropriation for liquor profits distribution	\$ 55,344,817	
TOTAL APPROPRIATION	\$ ((274,023,967))	<u>264,124,506</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2001 2nd sp.s. c 7 s 805 (uncodified) is amended to read as follows:

**FOR THE STATE TREASURER--TRANSFERS**

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in the fiscal year in which the transfer occurs.

- Public Facilities Construction Loan and Grant Revolving Account: For transfer to the digital government revolving account on or before December 31, 2001 \$ 1,418,456
- Financial Services Regulation Fund: To be transferred from the financial services regulation fund to the digital government revolving account during the period between July 1, 2001, and December 31, 2001 \$ 2,000,000

Local Toxics Control Account: For transfer to the state toxics control account. Transferred funds will be utilized for methamphetamine lab cleanup, to address areawide soil contamination problems, and clean up contaminated sites as part of the clean sites initiative \$ 6,000,000

State Toxics Control Account: For transfer to the water quality account for water quality related projects funded in the capital budget \$ 9,000,000

General Fund: For transfer to the flood control assistance account \$ 4,000,000

Water Quality Account: For transfer to the water pollution control account. Transfers shall be made at intervals coinciding with deposits of federal capitalization grant money into the account. The amounts transferred shall not exceed the match required for each federal deposit \$ 12,564,487

Health Services Account: For transfer to the water quality account \$ 6,447,500

State Treasurer's Service Account: For transfer to the general fund on or before June 30, 2003, an amount in excess of the cash requirements of the state treasurer's service account. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by \$4,000,000 in fiscal year 2002 and by \$8,393,000 in fiscal year 2003 to reflect this transfer \$ ((8,000,000)) 12,393,000

Public Works Assistance Account: For transfer to the drinking water assistance account \$ 7,700,000

Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual balance of the tobacco settlement account \$ ((310,000,000)) 256,700,000

General Fund: For transfer to the water quality account \$ ((60,325,000)) 60,821,172

Health Services Account: For transfer to the state general fund by June 30, 2002. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2002 to reflect this transfer \$ ((130,000,000)) 150,000,000

~~((Health Services Account: For transfer to the state general fund by June 30, 2003. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2003 to reflect this transfer \$ 20,000,000~~

~~State Surplus Assets Reserve Fund: For transfer to the multimodal transportation account by June 30, 2002 \$ 70,000,000))~~

Multimodal Transportation Account: For transfer to the state general fund by June 30, 2002. Pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased in fiscal year 2002 to reflect this transfer \$ 70,000,000

Health Service Account: For transfer to the violence reduction and drug enforcement account \$ 6,497,500

Gambling Revolving Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2002 and \$450,000 for fiscal year 2003 \$ 2,450,000

Horticultural Districts Account: For transfer to the fruit and vegetable inspection account \$ 11,075,000

Agricultural Local Account: For transfer to the fruit and vegetable inspection account \$ 605,000

Nisqually Earthquake Account: For transfer to the disaster response account for fire suppression and mobilization costs \$ 32,802,000

Enhanced 911 Account: For transfer to the state general fund for fiscal year 2003 \$ 6,000,000

Clarke-McNary Fund: For transfer to the state general fund for fiscal year 2002 \$ 4,000,000

State Drought Preparedness Account: For transfer to the state general fund for fiscal year 2002 \$ 3,000,000

Financial Services Regulation Fund: For transfer to the state general fund, \$2,250,000 for fiscal year 2002 and \$357,000 for fiscal year 2003 \$ 2,607,000

Industrial Insurance Premium Refund Account: For transfer to the state general fund for fiscal year 2002 \$ 1,000,000

Liquor Control Board Construction and Maintenance Account: For transfer to the state general fund for fiscal year 2003 \$ 504,000

Liquor Revolving Account: For transfer to the state general fund for fiscal year 2003 \$ 2,059,000

Lottery Administrative Account: For transfer to the state general fund for fiscal year 2003 \$ 335,000

Emergency Medical Services and Trauma Care System Trust Account: For transfer to the state general fund for fiscal year 2002 \$ 6,000,000

Public Service Revolving Account: For transfer to the state general fund for fiscal year 2003 \$ 406,000

Local Leasehold Excise Tax Account: For transfer of interest to the state general fund by June 1, 2002, for fiscal year 2002 \$ 1,000,000

Insurance Commissioner's Regulatory Account: For transfer to the state general fund for fiscal year 2003 \$ 366,000

Health Services Account: For transfer to the tobacco prevention and control account \$ 21,980,000

From the Emergency Reserve Fund: For transfer to the state general fund:  
On June 28, 2002 \$ 300,000,000  
On June 28, 2003 \$ 25,000,000

Tobacco Securitization Trust Account: For transfer to the state general fund for fiscal year 2003 \$ 450,000,000

## PART IX MISCELLANEOUS

**Sec. 901.** RCW 9.46.100 and 1991 sp.s. c 16 s 917 are each amended to read as follows:

There is hereby created the gambling revolving fund which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and other commission employees shall be paid from the gambling revolving fund.

~~((The state treasurer shall transfer to the general fund one million dollars from the gambling revolving fund for the 1991-93 fiscal biennium.))~~ During the 2001-2003 fiscal biennium, the legislature may transfer from the gambling revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund and reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.

**Sec. 902.** RCW 28B.50.837 and 1993 c 87 s 1 are each amended to read as follows:

(1) The Washington community and technical college exceptional faculty awards program is established. The program shall be administered by the college board. The college faculty awards trust fund hereby created shall be administered by the state treasurer.

(2) Funds appropriated by the legislature for the community and technical college exceptional faculty awards program shall be deposited in the college faculty awards trust fund. At the request of the college board, the treasurer shall release the state matching funds to the local endowment fund of the college or its foundation. No appropriation is necessary for the expenditure of moneys from the fund.

During the 2001-2003 fiscal biennium, the legislature may appropriate funds from the college faculty awards trust fund for the purposes of the settlement costs of the *Mader v. State* litigation regarding retirement contributions on behalf of part-time faculty.

**Sec. 903.** RCW 38.52.105 and 1997 c 251 s 1 are each amended to read as follows:

The disaster response account is created in the state treasury. Moneys may be placed in the account from legislative appropriations and transfers, federal appropriations, or any other lawful source. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for support of state agency and local government disaster response and recovery efforts. During the 2001-03 biennium, funds from the account may also be used for costs associated with national security preparedness activities.

**Sec. 904.** RCW 38.52.106 and 2001 c 5 s 2 are each amended to read as follows:

The Nisqually earthquake account is created in the state treasury. Moneys may be placed in the account from tax revenues, budget transfers or appropriations, federal appropriations, gifts, or any other lawful source. Moneys in the account may be spent only after appropriation. Moneys in the account shall be used only to support state and local government disaster response and recovery efforts associated with the Nisqually earthquake. During the 2001-2003 fiscal biennium, the legislature may transfer moneys from the Nisqually earthquake account to the disaster response account for fire suppression and mobilization costs, and costs associated with national security preparedness activities.

**Sec. 905.** RCW 38.52.540 and 2001 c 128 s 2 are each amended to read as follows:

The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise tax imposed by RCW 82.14B.030 shall be deposited into the account. Moneys in the account shall be used only to support the statewide coordination and management of the enhanced 911 system and to help supplement, within available funds, the operational costs of the system. Funds shall not be distributed to any county that has not imposed the maximum county enhanced 911 taxes allowed under RCW 82.14B.030 (1) and (2). The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of enhanced 911 services for all counties and shall specify by rule the additional purposes for which moneys, if available, may be expended from this account. During the 2001-2003 fiscal biennium, the legislature may transfer from the enhanced 911 account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 906.** RCW 41.06.150 and 1999 c 297 s 3 are each amended to read as follows:

The board shall adopt rules, consistent with the purposes and provisions of this chapter, as now or hereafter amended, and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

- (1) The reduction, dismissal, suspension, or demotion of an employee;
- (2) Certification of names for vacancies, including departmental promotions, with the number of names equal to six more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists: PROVIDED, That when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified;
- (3) Examinations for all positions in the competitive and noncompetitive service;
- (4) Appointments;
- (5) Training and career development;
- (6) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;
- (7) Transfers;
- (8) Sick leaves and vacations;
- (9) Hours of work;
- (10) Layoffs when necessary and subsequent reemployment, both according to seniority;
- (11) Determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees;
- (12) Certification and decertification of exclusive bargaining representatives: PROVIDED, That after certification of an exclusive bargaining representative and upon the representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment constitutes cause for dismissal: PROVIDED FURTHER, That no more often than once in each twelve-month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause, membership in the certified exclusive bargaining representative is satisfied by the payment of monthly or other periodic dues and does not require payment of initiation, reinstatement, or any other fees or fines and includes full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his or her individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but is entitled to all the representation rights of a union member;
- (13) Agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion;
- (14) Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein permits or grants to any employee the right to strike or refuse to perform his or her official duties;
- (15) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position.
  - (a) The board shall not adopt job classification revisions or class studies unless implementation of the proposed revision or study will result in net cost savings, increased efficiencies, or improved management of personnel or services, and the proposed revision or study has been approved by the director of financial management in accordance with chapter 43.88 RCW.
  - (b) Beginning July 1, 1995, through June 30, 1997, in addition to the requirements of (a) of this subsection:
    - (i) The board may approve the implementation of salary increases resulting from adjustments to the classification plan during the 1995-97 fiscal biennium only if:
      - (A) The implementation will not result in additional net costs and the proposed implementation has been approved by the director of financial management in accordance with chapter 43.88 RCW;
      - (B) The implementation will take effect on July 1, 1996, and the total net cost of all such actions approved by the board for implementation during the 1995-97 fiscal biennium does not exceed the amounts specified by the legislature specifically for this purpose; or

(C) The implementation is a result of emergent conditions. Emergent conditions are defined as emergency situations requiring the establishment of positions necessary for the preservation of the public health, safety, or general welfare, which do not exceed \$250,000 of the moneys identified in section 718(2), chapter 18, Laws of 1995 2nd sp. sess.

(ii) The board shall approve only those salary increases resulting from adjustments to the classification plan if they are due to documented recruitment and retention difficulties, salary compression or inversion, increased duties and responsibilities, or inequities. For these purposes, inequities are defined as similar work assigned to different job classes with a salary disparity greater than 7.5 percent.

(iii) Adjustments made to the higher education hospital special pay plan are exempt from (b)(i) through (ii) of this subsection.

(c) Reclassifications, class studies, and salary adjustments to be implemented during the 1997-99 and subsequent fiscal biennia are governed by (a) of this subsection and RCW 41.06.152;

(16) Allocation and reallocation of positions within the classification plan;

(17) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units but the rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and that, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located, such adoption and revision subject to approval by the director of financial management in accordance with the provisions of chapter 43.88 RCW;

(18) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

(19) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

(20) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month;

(21) Permitting agency heads to delegate the authority to appoint, reduce, dismiss, suspend, or demote employees within their agencies if such agency heads do not have specific statutory authority to so delegate: PROVIDED, That the board may not authorize such delegation to any position lower than the head of a major subdivision of the agency;

(22) Assuring persons who are or have been employed in classified positions before July 1, 1993, will be eligible for employment, reemployment, transfer, and promotion in respect to classified positions covered by this chapter;

(23) Affirmative action in appointment, promotion, transfer, recruitment, training, and career development; development and implementation of affirmative action goals and timetables; and monitoring of progress against those goals and timetables.

The board shall consult with the human rights commission in the development of rules pertaining to affirmative action. The department of personnel shall transmit a report annually to the human rights commission which states the progress each state agency has made in meeting affirmative action goals and timetables.

Notwithstanding this section and rules of the board adopted under this section, agencies may place employees on temporary unpaid leave during the 2001-2003 fiscal biennium for the purpose of implementing appropriations reductions enacted in the 2002 supplemental appropriations act. Mandatory unpaid leave must be approved by the agency director, and must be, to the greatest extent possible, mutually agreeable to the employee and employer. Employees taking mandatory temporary unpaid leave will not lose seniority, leave accrual, or health insurance benefits.

**Sec. 907.** RCW 43.10.220 and 1999 c 309 s 916 are each amended to read as follows:

The attorney general is authorized to expend from the antitrust revolving fund, created by RCW 43.10.210 through 43.10.220, such funds as are necessary for the payment of costs, expenses and charges incurred in the preparation, institution and maintenance of antitrust actions under the state and federal antitrust acts. During the ~~((1999-04))~~ 2001-03 fiscal biennium, the attorney general may expend ~~((up to one million three hundred thousand dollars))~~ from the antitrust revolving fund for the purposes of ~~((implementing a case management data processing system for the centralized management of cases and workload, including antitrust and other complex litigation))~~ the consumer protection activities of the office.

**Sec. 908.** RCW 43.30.360 and 1986 c 100 s 46 are each amended to read as follows:

The department and Washington State University may each receive funds from the federal government in connection with cooperative work with the United States department of agriculture, authorized by sections 4 and 5 of the Clarke-McNary act of congress, approved June 7, 1924, providing for the procurement, protection, and distribution of forestry seed and plants for the purpose of establishing windbreaks, shelter belts, and farm wood lots and to assist the owners of farms in establishing, improving, and renewing wood lots, shelter belts, and windbreaks; and are authorized to disburse such funds as needed. During the 2001-2003 fiscal biennium, the legislature may transfer from the Clarke-McNary fund to the state general fund such amounts as reflect the excess fund balance of the Clarke-McNary fund.

**Sec. 909.** RCW 43.72.900 and 2002 c 2 s 2 (Initiative Measure No. 773) are each amended to read as follows:

(1) The health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Subject to the transfers described in subsection (3) of this section, moneys in the account may be expended only for maintaining and expanding health services access for low-income residents, maintaining and expanding the public health system, maintaining and improving the capacity of the health care system, containing health care costs, and the regulation, planning, and administering of the health care system.

(2) Funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall be used solely as follows:

(a) Five million dollars for the state fiscal year beginning July 1, 2002, and five million dollars for the state fiscal year beginning July 1, 2003, shall be appropriated by the legislature for programs that effectively improve the health of low-income persons, including efforts to reduce diseases and illnesses that harm low-income persons. The department of health shall submit a report to the legislature on March 1, 2002, evaluating the cost-effectiveness of programs that improve the health of low-income persons and address diseases and illnesses that disproportionately affect low-income persons, and making recommendations to the legislature on which of these programs could most effectively utilize the funds appropriated under this subsection.

(b) Ten percent of the funds deposited into the health services account under RCW 82.24.028 and 82.26.028 remaining after the appropriation under (a) of this subsection shall be transferred no less frequently than annually by the treasurer to the tobacco prevention and control account established by RCW 43.79.480. The funds transferred shall be used exclusively for implementation of the Washington state

tobacco prevention and control plan and shall be used only to supplement, and not supplant, funds in the tobacco prevention and control account as of January 1, 2001, however, these funds may be used to replace funds appropriated by the legislature for further implementation of the Washington state tobacco prevention and control plan for the biennium beginning July 1, 2001. For each state fiscal year beginning on and after July 1, 2002, the legislature shall appropriate no less than twenty-six million two hundred forty thousand dollars from the tobacco prevention and control account for implementation of the Washington state tobacco prevention and control plan.

(c) Because of its demonstrated effectiveness in improving the health of low-income persons and addressing illnesses and diseases that harm low-income persons, the remainder of the funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall be appropriated solely for Washington basic health plan enrollment as provided in chapter 70.47 RCW. Funds appropriated pursuant to this subsection (2)(c) must supplement, and not supplant, the level of state funding needed to support enrollment of a minimum of one hundred twenty-five thousand persons for the fiscal year beginning July 1, 2002, and every fiscal year thereafter. The health care authority may enroll up to twenty thousand additional persons in the basic health plan during the biennium beginning July 1, 2001, above the base level of one hundred twenty-five thousand enrollees. The health care authority may enroll up to fifty thousand additional persons in the basic health plan during the biennium beginning July 1, 2003, above the base level of one hundred twenty-five thousand enrollees. For each biennium beginning on and after July 1, 2005, the health care authority may enroll up to at least one hundred seventy-five thousand enrollees. Funds appropriated under this subsection may be used to support outreach and enrollment activities only to the extent necessary to achieve the enrollment goals described in this section.

(3) Prior to expenditure for the purposes described in subsection (2) of this section, funds deposited into the health services account under RCW 82.24.028 and 82.26.028 shall first be transferred to the following accounts to ensure the continued availability of previously dedicated revenues for certain existing programs:

(a) To the violence reduction and drug enforcement account under RCW 69.50.520, two million two hundred forty-nine thousand five hundred dollars for the state fiscal year beginning July 1, 2001, four million two hundred forty-eight thousand dollars for the state fiscal year beginning July 1, 2002, seven million seven hundred eighty-nine thousand dollars for the biennium beginning July 1, 2003, six million nine hundred thirty-two thousand dollars for the biennium beginning July 1, 2005, and six million nine hundred thirty-two thousand dollars for each biennium thereafter, as required by RCW 82.24.020(2);

(b) To the health services account under this section, nine million seventy-seven thousand dollars for the state fiscal year beginning July 1, 2001, seventeen million one hundred eighty-eight thousand dollars for the state fiscal year beginning July 1, 2002, thirty-one million seven hundred fifty-five thousand dollars for the biennium beginning July 1, 2003, twenty-eight million six hundred twenty-two thousand dollars for the biennium beginning July 1, 2005, and twenty-eight million six hundred twenty-two thousand dollars for each biennium thereafter, as required by RCW 82.24.020(3); and

(c) To the water quality account under RCW 70.146.030, two million two hundred three thousand five hundred dollars for the state fiscal year beginning July 1, 2001, four million two hundred forty-four thousand dollars for the state fiscal year beginning July 1, 2002, eight million one hundred eighty-two thousand dollars for the biennium beginning July 1, 2003, seven million eight hundred eighty-five thousand dollars for the biennium beginning July 1, 2005, and seven million eight hundred eighty-five thousand dollars for each biennium thereafter, as required by RCW 82.24.027(2)(a).

During the 2001-2003 fiscal biennium, the legislature may transfer from the health services account such amounts as reflect the excess fund balance of the account.

**Sec. 910.** RCW 43.83B.430 and 1999 c 379 s 921 are each amended to read as follows:

The state drought preparedness account is created in the state treasury. All receipts from appropriated funds designated for the account and funds transferred from the state emergency water projects revolving account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for drought preparedness. During the 2001-2003 fiscal biennium, the legislature may transfer from the state drought preparedness account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 911.** RCW 43.88.030 and 2000 2nd sp.s. c 4 s 12 are each amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The director shall provide agencies and committees that are required under RCW 44.40.070 to develop comprehensive six-year program and financial plans with a complete set of instructions for submitting these program and financial plans at the same time that instructions for submitting other budget requests are provided. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period, as well as an outline of the proposed six-year financial policies where applicable, and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period, or six-year period where applicable, based upon the estimated revenues and caseloads as approved by the economic and revenue forecast council and caseload forecast council or upon the estimated revenues and caseloads of the office of financial management for those funds, accounts, sources, and programs for which the forecast councils do not prepare an official forecast, including those revenues anticipated to support the six-year programs and financial plans under RCW 44.40.070. In estimating revenues to support financial plans under RCW 44.40.070, the office of financial management shall rely on information and advice from the transportation revenue forecast council. Revenues shall be estimated for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document, including the supplemental budgets submitted in the even-numbered years of a biennium. However, the estimated revenues and caseloads for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue and caseload estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues and caseloads must be set forth in the budget document. The governor may additionally submit, as an appendix to each supplemental, biennial, or six-year agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

Supplemental and biennial documents shall reflect a six-year expenditure plan consistent with estimated revenues from existing sources and at existing rates for those agencies required to submit six-year program and financial plans under RCW 44.40.070. Any additional revenue resulting from proposed changes to existing statutes shall be separately identified within the document as well as related expenditures for the six-year period.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, those anticipated for the ensuing biennium, and those anticipated for the ensuing six-year period to support the six-year programs and financial plans required under RCW 44.40.070;

(b) The undesignated fund balance or deficit, by fund;

(c) Such additional information dealing with expenditures, revenues, workload, performance, and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity, and agency. However, documents submitted for the 2003-05 biennial budget request need not show expenditures by activity;

(f) A delineation of each agency's activities, including those activities funded from nonbudgeted, nonappropriated sources, including funds maintained outside the state treasury;

(g) Identification of all proposed direct expenditures to implement the Puget Sound water quality plan under chapter 90.71 RCW, shown by agency and in total; and

(h) Tabulations showing each postretirement adjustment by retirement system established after fiscal year 1991, to include, but not be limited to, estimated total payments made to the end of the previous biennial period, estimated payments for the present biennium, and estimated payments for the ensuing biennium.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments, and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium, as well as those required to support the six-year programs and financial plans required under RCW 44.40.070;

(g) A showing and explanation of amounts of general fund and other funds obligations for debt service and any transfers of moneys that otherwise would have been available for appropriation;

(h) Common school expenditures on a fiscal-year basis;

(i) A showing, by agency, of the value and purpose of financing contracts for the lease/purchase or acquisition of personal or real property for the current and ensuing fiscal periods; and

(j) A showing and explanation of anticipated amounts of general fund and other funds required to amortize the unfunded actuarial accrued liability of the retirement system specified under chapter 41.45 RCW, and the contributions to meet such amortization, stated in total dollars and as a level percentage of total compensation.

(3) A separate capital budget document or schedule shall be submitted that will contain the following:

(a) A statement setting forth a long-range facilities plan for the state that identifies and includes the highest priority needs within affordable spending levels;

(b) A capital program consisting of proposed capital projects for the next biennium and the two biennia succeeding the next biennium consistent with the long-range facilities plan. Inasmuch as is practical, and recognizing emergent needs, the capital program shall reflect the priorities, projects, and spending levels proposed in previously submitted capital budget documents in order to provide a reliable long-range planning tool for the legislature and state agencies;

(c) A capital plan consisting of proposed capital spending for at least four biennia succeeding the next biennium;

(d) A strategic plan for reducing backlogs of maintenance and repair projects. The plan shall include a prioritized list of specific facility deficiencies and capital projects to address the deficiencies for each agency, cost estimates for each project, a schedule for completing projects over a reasonable period of time, and identification of normal maintenance activities to reduce future backlogs;

(e) A statement of the reason or purpose for a project;

(f) Verification that a project is consistent with the provisions set forth in chapter 36.70A RCW;

(g) A statement about the proposed site, size, and estimated life of the project, if applicable;

(h) Estimated total project cost;

(i) For major projects valued over five million dollars, estimated costs for the following project components: Acquisition, consultant services, construction, equipment, project management, and other costs included as part of the project. Project component costs shall be displayed in a standard format defined by the office of financial management to allow comparisons between projects;

(j) Estimated total project cost for each phase of the project as defined by the office of financial management;

(k) Estimated ensuing biennium costs;

(l) Estimated costs beyond the ensuing biennium;

(m) Estimated construction start and completion dates;

(n) Source and type of funds proposed;

(o) Estimated ongoing operating budget costs or savings resulting from the project, including staffing and maintenance costs;

(p) For any capital appropriation requested for a state agency for the acquisition of land or the capital improvement of land in which the primary purpose of the acquisition or improvement is recreation or wildlife habitat conservation, the capital budget document, or an omnibus list of recreation and habitat acquisitions provided with the governor's budget document, shall identify the projected costs of operation and maintenance for at least the two biennia succeeding the next biennium. Omnibus lists of habitat and recreation land acquisitions shall include individual project cost estimates for operation and maintenance as well as a total for all state projects included in the list. The document shall identify the source of funds from which the operation and maintenance costs are proposed to be funded;

(q) Such other information bearing upon capital projects as the governor deems to be useful;

(r) Standard terms, including a standard and uniform definition of normal maintenance, for all capital projects;

(s) Such other information as the legislature may direct by law or concurrent resolution.

For purposes of this subsection (3), the term "capital project" shall be defined subsequent to the analysis, findings, and recommendations of a joint committee comprised of representatives from the house capital appropriations committee, senate ways and means committee, legislative transportation committee, legislative evaluation and accountability program committee, and office of financial management.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

**Sec. 912.** RCW 43.320.110 and 2001 2nd sp.s. c 7 s 911 are each amended to read as follows:

There is created a local fund known as the "financial services regulation fund" which shall consist of all moneys received by the divisions of the department of financial institutions, except for the division of securities which shall deposit thirteen percent of all moneys received, and which shall be used for the purchase of supplies and necessary equipment; the payment of salaries, wages, and utilities; the establishment of reserves; and other incidental costs required for the proper regulation of individuals and entities subject to regulation by the department. The state treasurer shall be the custodian of the fund. Disbursements from the fund shall be on authorization of the director of

financial institutions or the director's designee. In order to maintain an effective expenditure and revenue control, the fund shall be subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

Between July 1, 2001, and December 31, 2001, the legislature may transfer up to two million dollars from the financial services regulation fund to the ~~((state general fund))~~ digital government revolving account. During the 2001-2003 fiscal biennium, the legislature may transfer from the financial services regulation fund to the state general fund such amounts as reflect the excess fund balance of the fund and appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.

**Sec. 913.** RCW 48.02.190 and 1987 c 505 s 54 are each amended to read as follows:

(1) As used in this section:

(a) "Organization" means every insurer, as defined in RCW 48.01.050, having a certificate of authority to do business in this state and every health care service contractor registered to do business in this state. "Class one" organizations shall consist of all insurers as defined in RCW 48.01.050. "Class two" organizations shall consist of all organizations registered under provisions of chapter 48.44 RCW.

(b) "Receipts" means (i) net direct premiums consisting of direct gross premiums, as defined in RCW 48.18.170, paid for insurance written or renewed upon risks or property resident, situated, or to be performed in this state, less return premiums and premiums on policies not taken, dividends paid or credited to policyholders on direct business, and premiums received from policies or contracts issued in connection with qualified plans as defined in RCW 48.14.021, and (ii) prepayments to health care service contractors as set forth in RCW 48.44.010(3) less experience rating credits, dividends, prepayments returned to subscribers, and payments for contracts not taken.

(2) The annual cost of operating the office of insurance commissioner shall be determined by legislative appropriation. A pro rata share of the cost shall be charged to all organizations. Each class of organization shall contribute sufficient in fees to the insurance commissioner's regulatory account to pay the reasonable costs, including overhead, of regulating that class of organization.

(3) Fees charged shall be calculated separately for each class of organization. The fee charged each organization shall be that portion of the cost of operating the insurance commissioner's office, for that class of organization, for the ensuing fiscal year that is represented by the organization's portion of the receipts collected or received by all organizations within that class on business in this state during the previous calendar year: PROVIDED, That the fee shall not exceed one-eighth of one percent of receipts: PROVIDED FURTHER, That the minimum fee shall be one thousand dollars.

(4) The commissioner shall annually, on or before June 1, calculate and bill each organization for the amount of its fee. Fees shall be due and payable no later than June 15 of each year: PROVIDED, That if the necessary financial records are not available or if the amount of the legislative appropriation is not determined in time to carry out such calculations and bill such fees within the time specified, the commissioner may use the fee factors for the prior year as the basis for the fees and, if necessary, the commissioner may impose supplemental fees to fully and properly charge the organizations. The penalties for failure to pay fees when due shall be the same as the penalties for failure to pay taxes pursuant to RCW 48.14.060. The fees required by this section are in addition to all other taxes and fees now imposed or that may be subsequently imposed.

(5) All moneys collected shall be deposited in the insurance commissioner's regulatory account in the state treasury which is hereby created.

(6) Unexpended funds in the insurance commissioner's regulatory account at the close of a fiscal year shall be carried forward in the insurance commissioner's regulatory account to the succeeding fiscal year and shall be used to reduce future fees. During the 2001-2003 fiscal biennium, the legislature may transfer from the insurance commissioner's regulatory account to the state general fund such amounts as reflect excess fund balance in the account.

**Sec. 914.** RCW 50.16.010 and 1993 c 483 s 7 and 1993 c 226 s 10 are each reenacted and amended to read as follows:

There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

The unemployment compensation fund shall consist of

(1) all contributions and payments in lieu of contributions collected pursuant to the provisions of this title,

(2) any property or securities acquired through the use of moneys belonging to the fund,

(3) all earnings of such property or securities,

(4) any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended,

(5) all money recovered on official bonds for losses sustained by the fund,

(6) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended,

(7) all money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304), and

(8) all moneys received for the fund from any other source.

All moneys in the unemployment compensation fund shall be commingled and undivided.

The administrative contingency fund shall consist of all interest on delinquent contributions collected pursuant to this title, all fines and penalties collected pursuant to the provisions of this title, all sums recovered on official bonds for losses sustained by the fund, and revenue received under RCW 50.24.014: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a district court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, shall be expended upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary for:

(a) The proper administration of this title and no federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(b) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(c) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d) During the 2001-2003 fiscal biennium, the cost of worker retraining programs at community and technical colleges as appropriated by the legislature.

Money in the special account created under RCW 50.24.014 may only be expended, after appropriation, for the purposes specified in RCW 50.62.010, 50.62.020, 50.62.030, 50.04.070, 50.04.072, 50.16.010, 50.29.025, 50.24.014, 50.44.053, and 50.22.010.

**Sec. 915.** RCW 50.20.190 and 2001 c 146 s 7 are each amended to read as follows:

(1) An individual who is paid any amount as benefits under this title to which he or she is not entitled shall, unless otherwise relieved pursuant to this section, be liable for repayment of the amount overpaid. The department shall issue an overpayment assessment setting forth the reasons for and the amount of the overpayment. The amount assessed, to the extent not collected, may be deducted from any future benefits payable to the individual: PROVIDED, That in the absence of a back pay award, a settlement affecting the allowance of

benefits, fraud, misrepresentation, or willful nondisclosure, every determination of liability shall be mailed or personally served not later than two years after the close of or final payment made on the individual's applicable benefit year for which the purported overpayment was made, whichever is later, unless the merits of the claim are subjected to administrative or judicial review in which event the period for serving the determination of liability shall be extended to allow service of the determination of liability during the six-month period following the final decision affecting the claim.

(2) The commissioner may waive an overpayment if the commissioner finds that the overpayment was not the result of fraud, misrepresentation, willful nondisclosure, or fault attributable to the individual and that the recovery thereof would be against equity and good conscience: PROVIDED, HOWEVER, That the overpayment so waived shall be charged against the individual's applicable entitlement for the eligibility period containing the weeks to which the overpayment was attributed as though such benefits had been properly paid.

(3) Any assessment herein provided shall constitute a determination of liability from which an appeal may be had in the same manner and to the same extent as provided for appeals relating to determinations in respect to claims for benefits: PROVIDED, That an appeal from any determination covering overpayment only shall be deemed to be an appeal from the determination which was the basis for establishing the overpayment unless the merits involved in the issue set forth in such determination have already been heard and passed upon by the appeal tribunal. If no such appeal is taken to the appeal tribunal by the individual within thirty days of the delivery of the notice of determination of liability, or within thirty days of the mailing of the notice of determination, whichever is the earlier, the determination of liability shall be deemed conclusive and final. Whenever any such notice of determination of liability becomes conclusive and final, the commissioner, upon giving at least twenty days notice by certified mail return receipt requested to the individual's last known address of the intended action, may file with the superior court clerk of any county within the state a warrant in the amount of the notice of determination of liability plus a filing fee under RCW 36.18.012(10). The clerk of the county where the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of the person(s) mentioned in the warrant, the amount of the notice of determination of liability, and the date when the warrant was filed. The amount of the warrant as docketed shall become a lien upon the title to, and any interest in, all real and personal property of the person(s) against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of such clerk. A warrant so docketed shall be sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law for a civil judgment. A copy of the warrant shall be mailed to the person(s) mentioned in the warrant by certified mail to the person's last known address within five days of its filing with the clerk.

(4) On request of any agency which administers an employment security law of another state, the United States, or a foreign government and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law, the commissioner may collect the amount of such benefits from the claimant to be refunded to the agency. In any case in which under this section a claimant is liable to repay any amount to the agency of another state, the United States, or a foreign government, such amounts may be collected without interest by civil action in the name of the commissioner acting as agent for such agency if the other state, the United States, or the foreign government extends such collection rights to the employment security department of the state of Washington, and provided that the court costs be paid by the governmental agency benefiting from such collection.

(5) Any employer who is a party to a back pay award or settlement due to loss of wages shall, within thirty days of the award or settlement, report to the department the amount of the award or settlement, the name and social security number of the recipient of the award or settlement, and the period for which it is awarded. When an individual has been awarded or receives back pay, for benefit purposes the amount of the back pay shall constitute wages paid in the period for which it was awarded. For contribution purposes, the back pay award or settlement shall constitute wages paid in the period in which it was actually paid. The following requirements shall also apply:

(a) The employer shall reduce the amount of the back pay award or settlement by an amount determined by the department based upon the amount of unemployment benefits received by the recipient of the award or settlement during the period for which the back pay award or settlement was awarded;

(b) The employer shall pay to the unemployment compensation fund, in a manner specified by the commissioner, an amount equal to the amount of such reduction;

(c) The employer shall also pay to the department any taxes due for unemployment insurance purposes on the entire amount of the back pay award or settlement notwithstanding any reduction made pursuant to (a) of this subsection;

(d) If the employer fails to reduce the amount of the back pay award or settlement as required in (a) of this subsection, the department shall issue an overpayment assessment against the recipient of the award or settlement in the amount that the back pay award or settlement should have been reduced; and

(e) If the employer fails to pay to the department an amount equal to the reduction as required in (b) of this subsection, the department shall issue an assessment of liability against the employer which shall be collected pursuant to the procedures for collection of assessments provided herein and in RCW 50.24.110.

(6) When an individual fails to repay an overpayment assessment that is due and fails to arrange for satisfactory repayment terms, the commissioner shall impose an interest penalty of one percent per month of the outstanding balance. Interest shall accrue immediately on overpayments assessed pursuant to RCW 50.20.070 and shall be imposed when the assessment becomes final. For any other overpayment, interest shall accrue when the individual has missed two or more of their monthly payments either partially or in full. The interest penalty shall be used to fund detection and recovery of overpayment and collection activities and, during the 2001-2003 fiscal biennium, the cost of worker retraining programs at community and technical colleges as appropriated by the legislature.

**Sec. 916.** RCW 51.44.170 and 1997 c 327 s 1 are each amended to read as follows:

The industrial insurance premium refund account is created in the custody of the state treasurer. All industrial insurance refunds earned by state agencies or institutions of higher education under the state fund retrospective rating program shall be deposited into the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account. Only the executive head of the agency or institution of higher education, or designee, may authorize expenditures from the account. No agency or institution of higher education may make an expenditure from the account for an amount greater than the refund earned by the agency. If the agency or institution of higher education has staff dedicated to workers' compensation claims management, expenditures from the account must be used to pay for that staff, but additional expenditure from the account may be used for any program within an agency or institution of higher education that promotes or provides incentives for employee workplace safety and health and early, appropriate return-to-work for injured employees. During the 2001-2003 fiscal biennium, the legislature may transfer from the industrial insurance premium refund account to the state general fund such amounts as reflect the reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.

**Sec. 917.** RCW 66.08.170 and 1961 ex.s. c 6 s 1 are each amended to read as follows:

There shall be a fund, known as the "liquor revolving fund", which shall consist of all license fees, permit fees, penalties, forfeitures, and all other moneys, income, or revenue received by the board. The state treasurer shall be custodian of the fund. All moneys received by the board or any employee thereof, except for change funds and an amount of petty cash as fixed by the board within the authority of law shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the liquor revolving fund. During the 2001-2003 fiscal biennium, the legislature may transfer from the liquor revolving account to the state general fund such amounts as reflect the excess fund balance of the fund and reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings. Disbursements from the revolving fund shall be on authorization of the board

or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the liquor revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund.

**Sec. 918.** RCW 66.08.235 and 1997 c 75 s 1 are each amended to read as follows:

The liquor control board construction and maintenance account is created within the state treasury. The liquor control board shall deposit into this account a portion of the board's markup, as authorized by chapter 66.16 RCW, placed upon liquor as determined by the board. Moneys in the account may be spent only after appropriation. The liquor control board shall use deposits to this account to fund construction and maintenance of a centralized distribution center for liquor products intended for sale through the board's liquor store and vendor system. During the 2001-2003 fiscal biennium, the legislature may transfer from the liquor control board construction and maintenance account to the state general fund such amounts as reflect the appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.

**Sec. 919.** RCW 67.70.260 and 1985 c 375 s 6 are each amended to read as follows:

There is hereby created the lottery administrative account in the state treasury. The account shall be managed, controlled, and maintained by the director. The legislature may appropriate from the account for the payment of costs incurred in the operation and administration of the lottery. During the 2001-2003 fiscal biennium, the legislature may transfer from the lottery administrative account to the state general fund such amounts as reflect the appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.

**Sec. 920.** RCW 69.50.520 and 2001 2nd sp.s. c 7 s 920 and 2001 c 168 s 3 are each reenacted and amended to read as follows:

The violence reduction and drug enforcement account is created in the state treasury. All designated receipts from RCW 9.41.110(8), 66.24.210(4), 66.24.290(2), 69.50.505(i)(1), 82.08.150(5), 82.24.020(2), 82.64.020, and section 420, chapter 271, Laws of 1989 shall be deposited into the account. Expenditures from the account may be used only for funding services and programs under chapter 271, Laws of 1989 and chapter 7, Laws of 1994 sp. sess., including state incarceration costs. Funds from the account may also be appropriated to reimburse local governments for costs associated with implementing criminal justice legislation including chapter 338, Laws of 1997. During the 2001-2003 biennium, funds from the account may also be used for costs associated with providing grants to local governments in accordance with chapter 338, Laws of 1997, the replacement of the department of corrections' offender-based tracking system, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, civil indigent legal representation, and for multijurisdictional narcotics task forces. After July 1, 2003, at least seven and one-half percent of expenditures from the account shall be used for providing grants to community networks under chapter 70.190 RCW by the family policy council.

**Sec. 921.** RCW 70.146.030 and 2001 2nd sp.s. c 7 s 922 are each amended to read as follows:

(1) The water quality account is hereby created in the state treasury. Moneys in the account may be used only in a manner consistent with this chapter. Moneys deposited in the account shall be administered by the department of ecology and shall be subject to legislative appropriation. Moneys placed in the account shall include tax receipts as provided in RCW 82.24.027, 82.26.025, and 82.32.390, principal and interest from the repayment of any loans granted pursuant to this chapter, and any other moneys appropriated to the account by the legislature.

(2) The department may use or permit the use of any moneys in the account to make grants or loans to public bodies, including grants to public bodies as cost-sharing moneys in any case where federal, local, or other funds are made available on a cost-sharing basis, for water pollution control facilities and activities, or for purposes of assisting a public body to obtain an ownership interest in water pollution control facilities and/or to defray a part of the payments made by a public body to a service provider under a service agreement entered into pursuant to RCW 70.150.060, within the purposes of this chapter and for related administrative expenses. For the period July 1, 2001, to June 30, 2003, moneys in the account may be used to process applications received by the department that seek to make changes to or transfer existing water rights and for grants and technical assistance to public bodies for watershed planning under chapter 90.82 RCW. No more than three percent of the moneys deposited in the account may be used by the department to pay for the administration of the grant and loan program authorized by this chapter.

(3) Beginning with the biennium ending June 30, 1997, the department shall present a biennial progress report on the use of moneys from the account to the chairs of the senate committee on ways and means and the house of representatives committee on appropriations. The first report is due June 30, 1996, and the report for each succeeding biennium is due December 31 of the odd-numbered year. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

~~((4) During the fiscal biennium ending June 30, 1997, moneys in the account may be transferred by the legislature to the water right permit processing account.))~~

**Sec. 922.** RCW 70.168.040 and 1997 c 331 s 2 are each amended to read as follows:

The emergency medical services and trauma care system trust account is hereby created in the state treasury. Moneys shall be transferred to the emergency medical services and trauma care system trust account from the public safety education account or other sources as appropriated, and as collected under RCW 46.63.110(6) and 46.12.042. Disbursements shall be made by the department subject to legislative appropriation. Expenditures may be made only for the purposes of the state trauma care system under this chapter, including emergency medical services, trauma care services, rehabilitative services, and the planning and development of related services under this chapter and for reimbursement by the department of social and health services for trauma care services provided by designated trauma centers. During the 2001-2003 fiscal biennium, the legislature may transfer from the emergency medical services and trauma care system trust account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 923.** RCW 79.24.580 and 2001 c 227 s 7 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects.

In providing grants for aquatic lands enhancement projects, the department shall require grant recipients to incorporate the environmental benefits of the project into their grant applications, and the department shall utilize the statement of environmental benefits in its prioritization and selection process. The department shall also develop appropriate outcome-focused performance measures to be used both for management and performance

assessment of the grants. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The department shall consult with affected interest groups in implementing this section.

During the fiscal biennium ending June 30, ~~((2004))~~ 2003, the funds may be appropriated for boating safety~~((+))~~ and shellfish management, enforcement, and enhancement ~~((and for developing and implementing plans for population monitoring and restoration of native wild salmon stock)).~~

**Sec. 924.** RCW 80.01.080 and 2001 c 238 s 8 are each amended to read as follows:

~~((The transportation revolving fund and the public utilities revolving fund are abolished as of April 1, 1949, and as of such date))~~  
There is created in the state treasury a (")public service revolving fund((" to which shall be transferred all moneys which then remain on hand to the credit of the transportation revolving fund and the public utilities revolving fund, subject, however, to outstanding warrants and other obligations chargeable to appropriations made from such funds. From and after April 1, 1949.)). Regulatory fees payable by all types of public service companies shall be deposited to the credit of the public service revolving fund. Except for expenses payable out of the pipeline safety account, all expense of operation of the Washington utilities and transportation commission shall be payable out of the public service revolving fund.

During the 2001-2003 fiscal biennium, the legislature may transfer from the public service revolving fund to the state general fund such amounts as reflect the appropriations reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings.

**Sec. 925.** RCW 82.29A.080 and 1985 c 57 s 84 are each amended to read as follows:

The counties and cities shall contract, prior to the effective date of an ordinance imposing a leasehold excise tax, with the department of revenue for administration and collection. The department of revenue shall deduct a percentage amount, as provided by such contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by RCW 82.29A.040 which is collected by the department of revenue shall be deposited by the state department of revenue in the local leasehold excise tax account hereby created in the state treasury. Moneys in the local leasehold excise tax account may be spent only for distribution to counties and cities imposing a leasehold excise tax.

During the 2001-2003 fiscal biennium, the legislature may transfer from the local leasehold excise tax account to the state general fund such amounts as reflect the interest earnings of the account.

**NEW SECTION. Sec. 926.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 927.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 1 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 9.46.100, 28B.50.837, 38.52.105, 38.52.106, 38.52.540, 41.06.150, 43.10.220, 43.30.360, 43.72.900, 43.83B.430, 43.88.030, 43.320.110, 48.02.190, 50.20.190, 51.44.170, 66.08.170, 66.08.235, 67.70.260, 70.146.030, 70.168.040, 79.24.580, 80.01.080, and 82.29A.080; amending 2001 2nd sp.s. c 7 ss 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 142, 143, 144, 147, 148, 149, 151, 152, 153, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 301, 302, 303, 304, 305, 306, 307, 308, 309, 401, 402, 501, 502, 503, 504, 505, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 519, 521, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 617, 618, 619, 701, 702, 703, 704, 706, 713, 716, 717, 719, 720, 722, 723, 724, 727, 728, 730, 705, 801, and 805 (uncodified); reenacting and amending RCW 50.16.010 and 69.50.520; adding new sections to 2001 2nd sp.s. c 7 (uncodified); making appropriations; and declaring an emergency.", and the same herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

#### MOTION

Senator Brown moved that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 6387.

Debate ensued.

Senator Sheahan demanded a roll call and the demand was sustained.

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Brown to concur in the House amendments to Engrossed Substitute Senate Bill No. 6387.

#### ROLL CALL

The Secretary called the roll and the Senate concurred in the House amendments by the following vote: Yeas, 26; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Winsley - 26.

Voting nay: Senators Benton, Carlson, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 23.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6387, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6387, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; Nays, 22; Absent, 1; Excused, 0.

Voting yea: Senators Brown, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Thibaudeau and Winsley - 26.

Voting nay: Senators Carlson, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Sheldon, T., Stevens, Swecker, West and Zarelli - 22.

Absent: Senator Benton - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6387, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Jean Pierre and Kerri Simon, the Senate Chefs, who were seated on the rostrum.

MOTION

At 11:14 a.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:01 p.m. by President Owen.

MOTION

At 1:06 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:17 p.m. by President Owen.

MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Kline, Gubernatorial Appointment No. 9189, Dallas Barnes, as a member of the Human Rights Commission, was confirmed.

APPOINTMENT OF DALLAS BARNES

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 39; Nays, 0; Absent, 10; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Snyder, Stevens, Swecker and Zarelli - 39.

Absent: Senators Deccio, Hale, Hargrove, Jacobsen, Morton, Shin, Spanel, Thibaudeau, West and Winsley - 10.

MOTION

At 1:22 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 1:50 p.m. by President Owen.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Snyder, Gubernatorial Appointment No. 9218, Joel Rupley, as a member of the Forest Practices Appeals Board, was confirmed.

APPOINTMENT OF JOEL RUPLEY

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Senator McDonald - 1.

MOTION

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

MESSAGE FROM THE HOUSE

March 14, 2002

MR. PRESIDENT:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6140 with the following amendment(s)

Strike everything after the enacting clause and insert the following:

**"I. CREATION OF REGIONAL TRANSPORTATION INVESTMENT DISTRICT**

NEW SECTION. Sec. 101. FINDINGS. The legislature finds that:

(1) The capacity of many of Washington state's transportation facilities have failed to keep up with the state's growth, particularly in major urban regions;

(2) The state cannot by itself fund, in a timely way, many of the major capacity and other improvements required on highways of statewide significance in the state's largest urbanized area;

(3) Providing a transportation system that provides efficient mobility for persons and freight requires a shared partnership and responsibility between the state, local, and regional governments and the private sector; and

(4) Timely construction and development of significant transportation improvement projects can best be achieved through enhanced funding options for governments at the county and regional levels, using already existing tax authority to address roadway and multimodal needs and new authority for regions to address critical transportation projects of statewide significance.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the governing body of a regional transportation investment district.

(2) "Department" means the Washington state department of transportation.

(3) "Highway of statewide significance" means an existing or proposed state route or federal interstate designated as a highway of statewide significance by the transportation commission, its successor entity, or the legislature.

(4) "Lead agency" means a public agency that by law can plan, design, and build a transportation project and has been so designated by the district.

(5) "Regional transportation investment district" or "district" means a municipal corporation whose boundaries are coextensive with two or more contiguous counties and that has been created by county legislative authorities and a vote of the people under this chapter to implement a regional transportation investment plan.

(6) "Regional transportation investment district planning committee" or "planning committee" means the advisory committee created under section 103 of this act to create and propose to county legislative authorities a regional transportation investment plan to develop, finance, and construct transportation projects.

(7) "Regional transportation investment plan" or "plan" means a plan to develop, construct, and finance a transportation project or projects.

(8) "Transportation project" means:

(a) A capital improvement or improvements to a highway that has been designated, in whole or in part, as a highway of statewide significance, including an extension, that:

(i) Adds a lane or new lanes to an existing state or federal highway; or

(ii) Repairs or replaces a lane or lanes damaged by an event declared an emergency by the governor before January 1, 2002.

(b) A capital improvement or improvements to all or a portion of a highway of statewide significance, including an extension, and may include the following associated multimodal capital improvements:

(i) Approaches to highways of statewide significance;

(ii) High-occupancy vehicle lanes;

(iii) Flyover ramps;

(iv) Park and ride lots;

(v) Bus pullouts;

(vi) Vans for vanpools;

(vii) Buses; and

(viii) Signalization, ramp metering, and other transportation system management improvements.

(c) A capital improvement or improvements to all or a portion of a city street, county road, or existing highway or the creation of a new highway that intersects with a highway of statewide significance, if all of the following conditions are met:

(i) The project is included in a plan that makes highway improvement projects that add capacity to a highway or highways of statewide significance;

(ii) The secretary of transportation determines that the project would better relieve traffic congestion than investing that same money in adding capacity to a highway of statewide significance;

(iii) Matching money equal to one-third of the total cost of the project is provided by local entities, including but not limited to a metropolitan planning organization, county, city, port, or private entity in which a county participating in a plan is located. Local entities may use federal grants to meet this matching requirement;

(iv) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed ten percent of the revenues generated by the district;

(v) In no case may the cumulative regional transportation investment district contribution to all projects constructed under this subsection (8)(c) exceed one billion dollars; and

(vi) The specific projects are included within the plan and submitted as part of the plan to a vote of the people.

(d) Operations, preservation, and maintenance are excluded from this definition and may not be included in a regional transportation investment plan.

(9) "Weighted vote" means a vote that reflects the population each board or planning committee member represents relative to the population represented by the total membership of the board or planning committee. Population will be determined using the federal 2000 census or subsequent federal census data.

NEW SECTION. Sec. 103. PLANNING COMMITTEE FORMATION. Regional transportation investment district planning committees are advisory entities that are created, convened, and empowered as follows:

(1) A county with a population over one million five hundred thousand persons and any adjoining counties with a population over five hundred thousand persons may create a regional transportation investment district and shall convene a regional transportation investment district planning committee.

(2) The members of the legislative authorities participating in planning under this chapter shall serve as the district planning committee. Members of the planning committee receive no compensation, but may be reimbursed for travel and incidental expenses as the planning committee deems appropriate.

The secretary of transportation, or the appropriate regional administrator of the department, as named by the secretary, shall serve on the committee as a nonvoting member.

(3) A regional transportation investment district planning committee may be entitled to state funding, as appropriated by the legislature, for start-up funding to pay for salaries, expenses, overhead, supplies, and similar expenses ordinarily and necessarily incurred in selecting transportation projects and funding for those transportation projects under this chapter. Upon creation of a regional transportation investment district, the district shall within one year reimburse the state for any sums advanced for these start-up costs from the state.

(4) The planning committee shall conduct its affairs and formulate a regional transportation investment plan as provided under section 104 of this act, except that it shall elect an executive board of seven members to discharge the duties of the planning committee and formulate a regional transportation investment plan, subject to the approval of the full committee.

(5) At its first meeting, a regional transportation investment district planning committee may elect officers and provide for the adoption of rules and other operating procedures.

(6) Governance of and decisions by a regional transportation investment district planning committee must be by a sixty-percent weighted majority vote of the total membership.

(7) The planning committee may dissolve itself at any time by a two-thirds weighted majority vote of the total membership of the planning committee.

**NEW SECTION. Sec. 104. PLANNING COMMITTEE DUTIES.** (1) A regional transportation investment district planning committee shall adopt a regional transportation investment plan providing for the development, construction, and financing of transportation projects. The planning committee may consider the following factors in formulating its plan:

(a) Land use planning criteria;

(b) The input of cities located within a participating county; and

(c) The input of regional transportation planning organizations in which a participating county is located. A regional transportation planning organization in which a participating county is located shall review its adopted regional transportation plan and submit, for the planning committee's consideration, its list of transportation improvement priorities.

(2) The planning committee may coordinate its activities with the department, which shall provide services, data, and personnel to assist in this planning as desired by the planning committee. In addition, the planning committee may coordinate with affected cities, towns, and other local governments that engage in transportation planning.

(3) The planning committee shall:

(a) Conduct public meetings that are needed to assure active public participation in the development of the plan;

(b) Adopt a plan proposing the creation of a regional transportation investment district and recommending the construction of transportation projects to improve mobility. Operations, maintenance, and preservation of facilities or systems may not be part of the plan; and

(c) Recommend sources of revenue authorized by section 105 of this act and a financing plan to fund selected transportation projects. The overall plan of the district must leverage the district's financial contributions so that the federal, state, local, and other revenue sources continue to fund major congestion relief and transportation capacity improvement projects in the district. A combination of local, state, and federal revenues may be necessary to pay for transportation projects, and the planning committee shall consider all of these revenue sources in developing a plan.

(4) Before adopting the plan, the planning committee, with assistance from the department, shall work with the lead agency to develop accurate cost forecasts for transportation projects. This project costing methodology must be integrated with revenue forecasts in developing the plan and must at a minimum include estimated project costs in constant dollars as well as year of expenditure dollars, the range of project costs reflected by the level of project design, project contingencies, identification of mitigation costs, the range of revenue forecasts, and project and plan cash flow and bond analysis. The plan submitted to the voters must provide cost estimates for each project, including reasonable contingency costs. Plans submitted to the voters must provide that the maximum amount possible of the funds raised will be used to fund projects in the plan, including environmental improvements and mitigation, and that administrative costs be minimized. If actual revenue exceeds actual plan costs, the excess revenues must be used to retire any outstanding debt associated with the plan.

(5) If a county opts not to adopt the plan or participate in the regional transportation investment district, but two or more contiguous counties do choose to continue to participate, then the planning committee may, within ninety days, redefine the regional transportation investment plan and the ballot measure to be submitted to the people to reflect elimination of the county, and submit the redefined plan to the legislative authorities of the remaining counties for their decision as to whether to continue to adopt the redefined plan and participate. This action must be completed within sixty days after receipt of the redefined plan.

(6) Once adopted, the plan must be forwarded to the participating county legislative authorities to initiate the election process under section 107 of this act. The planning committee shall at the same time provide notice to each city and town within the district, the governor, the chairs of the transportation committees of the legislature, the secretary of transportation, and each legislator whose legislative district is partially or wholly within the boundaries of the district.

(7) If the ballot measure is not approved, the planning committee may redefine the selected transportation projects, financing plan, and the ballot measure. The county legislative authorities may approve the new plan and ballot measure, and may then submit the revised proposition to the voters at the next election or a special election. If no ballot measure is approved by the voters by the third vote, the planning committee is dissolved.

**NEW SECTION. Sec. 105. TAXES AND FEES.** (1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition of some or all of the following revenue sources, which a regional transportation investment district may impose upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in section 405 of this act, of up to 0.5 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;

(b) A local option vehicle license fee, as specified under section 408 of this act, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) A local motor vehicle excise tax under RCW 81.100.060 and chapter 81.104 RCW;

(e) An employer excise tax under RCW 81.100.030; and

(f) Vehicle tolls on new or reconstructed facilities. Unless otherwise specified by law, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority.

(2) Taxes, fees, and tolls may not be imposed without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in section 107 of this act. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

**NEW SECTION. Sec. 106. PERFORMANCE CRITERIA FOR REGIONAL TRANSPORTATION PROJECT SELECTION.**

(1) The planning committee shall consider the following criteria for selecting transportation projects to improve corridor performance:

- (a) Reduced level of congestion and improved safety;
- (b) Improved travel time;
- (c) Improved air quality;
- (d) Increases in daily and peak period person and vehicle trip capacity;
- (e) Reductions in person and vehicle delay;
- (f) Improved freight mobility; and
- (g) Cost-effectiveness of the investment.

(2) These criteria represent only minimum standards that must be considered in selecting transportation improvement projects.

The board shall also consider rules and standards for benchmarks adopted by the transportation commission or its successor.

**NEW SECTION. Sec. 107. SUBMISSION OF PLAN TO THE VOTERS.** Two or more contiguous county legislative authorities, upon receipt of the regional transportation investment plan under section 104 of this act, may certify the plan to the ballot, including identification of the tax options necessary to fund the plan. County legislative authorities may draft a ballot title, give notice as required by law for ballot measures, and perform other duties as required to put the plan before the voters of the proposed district for their approval or rejection as a single ballot measure that both approves formation of the district and approves the plan. Counties may negotiate interlocal agreements necessary to implement the plan. The electorate will be the voters voting within the boundaries of the participating counties. A simple majority of the total persons voting on the single ballot measure to approve the plan, establish the district, and approve the taxes and fees is required for approval.

**NEW SECTION. Sec. 108. CERTIFICATION OF FORMATION.** If the voters approve the plan, including creation of a regional transportation investment district and imposition of taxes and fees, the district will be declared formed. The county election officials of participating counties shall, within fifteen days of the final certification of the election results, publish a notice in a newspaper or newspapers of general circulation in the district declaring the district formed, and mail copies of the notice to the governor, the secretary of transportation, and the executive director of the regional transportation planning organization in which any part of the district is located. A party challenging the procedure or the formation of a voter-approved district must file the challenge in writing by serving the prosecuting attorney of the participating counties and the attorney general within thirty days after the final certification of the election. Failure to challenge within that time forever bars further challenge of the district's valid formation.

**NEW SECTION. Sec. 109. BOARD COMPOSITION.** (1) The governing board of a district consists of the members of the legislative authority of each member county, acting ex officio and independently. The secretary of transportation or the appropriate regional administrator of the department, as named by the secretary, shall also serve as a nonvoting member of the board. The governing board may elect an executive board of seven members to discharge the duties of the governing board subject to the approval of the full governing board.

(2) A sixty-percent majority of the weighted votes of the total board membership is required to submit to the counties a modified plan under section 114 of this act or any other proposal to be submitted to the voters. The counties, may, with majority vote of each county legislative authority, submit a modified plan or proposal to the voters.

**NEW SECTION. Sec. 110. BOARD ORGANIZATION.** The board shall adopt rules for the conduct of business. The board shall adopt bylaws to govern district affairs, which may include:

- (1) The time and place of regular meetings;
- (2) Rules for calling special meetings;
- (3) The method of keeping records of proceedings and official acts;
- (4) Procedures for the safekeeping and disbursement of funds; and
- (5) Any other provisions the board finds necessary to include.

**NEW SECTION. Sec. 111. BOARD'S POWERS AND DUTIES.** (1) The governing board of the district is responsible for the execution of the voter-approved plan. The board shall:

- (a) Impose taxes and fees authorized by district voters;
- (b) Enter into agreements with state, local, and regional agencies and departments as necessary to accomplish district purposes and protect the district's investment in transportation projects;
- (c) Accept gifts, grants, or other contributions of funds that will support the purposes and programs of the district;
- (d) Monitor and audit the progress and execution of transportation projects to protect the investment of the public and annually make public its findings;
- (e) Pay for services and enter into leases and contracts, including professional service contracts;
- (f) Hire no more than ten employees, including a director or executive officer, a treasurer or financial officer, a project manager or engineer, a project permit coordinator, and clerical staff; and
- (g) Exercise other powers and duties as may be reasonable to carry out the purposes of the district.

(2) It is the intent of the legislature that existing staff resources of lead agencies be used in implementing this chapter. A district may coordinate its activities with the department, which shall provide services, data, and personnel to assist as desired by the regional transportation investment district. Lead agencies for transportation projects that are not state facilities shall also provide staff support for the board.

- (3) A district may not acquire, hold, or dispose of real property.
- (4) A district may not own, operate, or maintain an ongoing facility, road, or transportation system.
- (5) A district may accept and expend or use gifts, grants, or donations.
- (6) It is the intent of the legislature that administrative and overhead costs of a regional transportation investment district be minimized. For transportation projects costing up to fifty million dollars, administrative and overhead costs may not exceed three percent of the total construction and design project costs per year. For transportation projects costing more than fifty million dollars, administrative and overhead costs may not exceed three percent of the first fifty million dollars in costs, plus an additional one-tenth of one percent of each additional dollar above fifty million. These limitations apply only to the district, and do not limit the administration or expenditures of the department.

(7) A district may use the design-build procedure for transportation projects developed by it. As used in this section "design-build procedure" means a method of contracting under which the district contracts with another party for that party to both design and build the structures, facilities, and other items specified in the contract. The requirements and limitations of RCW 47.20.780 and 47.20.785 do not apply to the transportation projects under this chapter.

**NEW SECTION. Sec. 112. TREASURER.** The regional transportation investment district, by resolution, shall designate a person having experience in financial or fiscal matters as treasurer of the district. The district may designate the treasurer of a county within which the district is located to act as its treasurer. Such a treasurer has all of the powers, responsibilities, and duties the county treasurer has related to investing surplus funds. The district shall require a bond with a surety company authorized to do business in this state in an amount and under the terms and conditions the district, by resolution, from time to time finds will protect the district against loss. The district shall pay the premium on the bond.

In addition to the account established in section 401 of this act, the treasurer may establish a special account, into which may be paid district funds. The treasurer may disburse district funds only on warrants issued by the district upon orders or vouchers approved by the district.

If the treasurer of the district is the treasurer of a county, all district funds must be deposited with a county depository under the same restrictions, contracts, and security as provided for county depositories. If the treasurer of the district is some other person, all funds must be deposited in a bank or banks authorized to do business in this state qualified for insured deposits under any federal deposit insurance act as the district, by resolution, designates.

The district may provide and require a reasonable bond of any other person handling moneys or securities of the district, but the district shall pay the premium on the bond.

**NEW SECTION. Sec. 113. DEBT AND BONDING.** The district may borrow money, but may not issue any debt of its own for more than two years' duration. A district may issue notes or other evidences of indebtedness with a maturity of not more than two years. A district may, when authorized by the plan, enter into agreements with the state or lead agencies to pledge taxes or other revenues of the district for the purpose of paying in part or whole principal and interest on bonds issued by the lead agency. The contracts pledging revenues and taxes are binding for the term of the agreement, but not to exceed twenty-five years, and no tax pledged by an agreement may be eliminated or modified if it would impair the pledge of the agreement.

**NEW SECTION. Sec. 114. TRANSPORTATION PROJECT OR PLAN MODIFICATION--ACCOUNTABILITY.** (1) A plan may be modified to change transportation projects or revenue sources if:

(a) Two or more participating counties adopt a resolution to modify the plan; and

(b) The counties submit to the voters in the district a ballot measure that redefines the scope of the plan, its projects, its schedule, its costs, or the revenue sources. If the voters fail to approve the redefined plan, the district shall continue to work on and complete the plan, and the projects in it, that was originally approved by the voters. If the voters approve the redefined plan, the district shall work on and complete the projects under the redefined plan.

(2) If a transportation project cost exceeds its original cost by more than twenty percent as identified in the plan:

(a) The board shall, in coordination with the county legislative authorities, submit to the voters in the district a ballot measure that redefines the scope of the transportation project, its schedule, or its costs. If the voters fail to approve the redefined transportation project, the district shall terminate work on that transportation project, except that the district may take reasonable steps to use, preserve, or connect any improvement already constructed. The remainder of any funds that would otherwise have been expended on the terminated transportation project must first be used to retire any outstanding debt attributable to the plan and then may be used to implement the remainder of the plan.

(b) Alternatively, upon adoption of a resolution by two or more participating counties:

(i) The counties shall submit to the voters in the district a ballot measure that redefines the scope of the plan, its transportation projects, its schedule, or its costs. If the voters fail to approve the redefined plan, the district shall terminate work on that plan, except that the district may take reasonable steps to use, preserve, or connect any improvement already constructed. The remainder of any funds must be used to retire any outstanding debt attributable to the plan; or

(ii) The counties may elect to have the district continue the transportation project without submitting an additional ballot proposal to the voters.

(3) To assure accountability to the public for the timely construction of the transportation improvement project or projects within cost projections, the district shall issue a report, at least annually, to the public and copies of the report to newspapers of record in the district. In the report, the district shall indicate the status of transportation project costs, transportation project expenditures, revenues, and construction schedules. The report may also include progress towards meeting the performance criteria provided under this chapter.

**NEW SECTION. Sec. 115. STATE DEPARTMENT OF TRANSPORTATION ROLE.** (1) The department shall designate an office or division of dedicated staff and services whose primary responsibility is to coordinate the design, preliminary engineering, permitting, financing, and construction of transportation projects under consideration by a regional transportation investment district planning committee or that are part of a regional transportation investment plan being implemented by a regional transportation investment district.

(2) All of the powers granted the department under Title 47 RCW relating to highway construction may, at the request of a regional transportation investment district, be used to implement a regional transportation investment plan and construct transportation projects.

**NEW SECTION. Sec. 116. STATE OWNS IMPROVEMENTS TO STATE FACILITIES.** Any improvement to a state facility constructed under this chapter becomes and remains the property of this state.

**NEW SECTION. Sec. 117. DISSOLUTION.** Within thirty days of the completion of the construction of the transportation project or series of projects forming the regional transportation investment plan, the district shall terminate day-to-day operations and exist solely as a limited entity that oversees the collection of revenue and the payment of debt service or financing still in effect, if any. The district shall accordingly adjust downward its employees, administration, and overhead expenses. Any taxes, fees, or tolls imposed under an approved plan terminate when the financing or debt service on the transportation project or series of transportation projects constructed is completed and paid, thirty days from which point the district shall dissolve itself and cease to exist. If there is no debt outstanding, then the district shall dissolve within thirty days from completion of construction of the transportation project or series of transportation projects forming the regional transportation investment plan. Notice of dissolution must be published in newspapers of general circulation within the district at least three times in a period of thirty days. Creditors must file claims for payment of claims due within thirty days of the last published notice or the claim is extinguished.

**NEW SECTION. Sec. 118. OTHER REGIONS.** The legislature finds that regional solutions to the state's transportation needs are of paramount concern. The legislature further recognizes that different areas of the state will need the flexibility to fashion local solutions to their transportation problems, and that regional transportation systems may evolve over time. Areas of the state outside of King, Snohomish, and Pierce counties are eligible for grants from the state of no more than two hundred thousand dollars each to study and develop regional transportation models. Regions receiving these grants shall:

(1) Develop a model that can be used within their region to select, fund, and administer regional transportation solutions;

(2) Adopt a county resolution approving the model proposed;

(3) Form interlocal agreements among counties as appropriate;

(4) Report to the transportation committees in the senate and house of representatives, petitioning the legislature to grant them authority to implement their proposed model.

## II. JOINT BALLOT WITH RTA

**NEW SECTION. Sec. 201. JOINT BALLOT MEASURE.** At the option of the planning committee, and with the explicit approval of the regional transit authority, the participating counties may choose to impose any remaining high capacity transportation taxes under chapter 81.104 RCW that have not otherwise been used by a regional transit authority and submit to the voters a common ballot measure that creates the district, approves the regional transportation investment plan, implements the taxes, and implements any remaining high capacity transportation taxes within the boundaries of the regional transportation investment district. Collection and expenditures of any high capacity transportation taxes implemented under this section must be determined by agreement between the participating counties or district and the regional transit authority electing to submit high capacity transportation taxes to the voters under a common ballot measure as provided in this section. If the measure fails, all such unused high capacity transportation taxes revert back to and remain with

the regional transit authority. A project constructed with this funding is not considered a "transportation project" under section 102 of this act.

**Sec. 202.** RCW 81.104.140 and 1992 c 101 s 25 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, and regional transportation investment districts acting with the agreement of an agency, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, and 81.104.170, are authorized only for agencies located in (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority or a regional transportation investment district. Regional transportation investment districts may, with the approval of the regional transit authority within its boundaries, impose the taxes authorized under this chapter, but only upon approval of the voters and to the extent that the maximum amount of taxes authorized under this chapter have not been imposed.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

- (a) Employer tax as provided in RCW 81.104.150, other than by regional transportation investment districts;
- (b) Special motor vehicle excise tax as provided in RCW 81.104.160; and
- (c) Sales and use tax as provided in RCW 81.104.170.

Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, and 81.104.170, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right of way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Authorization in subsection (4) of this section shall not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions shall retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, and 81.104.170 shall be subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. The ballot title shall reference the document identified in subsection (8) of this section.

(8) Agencies shall provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It shall also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document shall be provided to the voters at least twenty days prior to the date of the election.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet shall be produced as provided in chapter 29.81A RCW.

(10) Agencies providing high capacity transportation service shall retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

### III. HIGHWAYS OF STATEWIDE SIGNIFICANCE

**Sec. 301.** RCW 47.05.021 and 1998 c 245 s 95 and 1998 c 171 s 5 are each reenacted and amended to read as follows:

LEGISLATURE MAY DESIGNATE HIGHWAYS OF STATEWIDE SIGNIFICANCE. (1) The transportation commission is hereby directed to conduct periodic analyses of the entire state highway system, report thereon to the chairs of the transportation committees of the senate and house of representatives, including one copy to the staff of each of the committees, biennially and based thereon, to subdivide, classify, and subclassify according to their function and importance all designated state highways and those added from time to time and periodically review and revise the classifications into the following three functional classes:

(a) The "principal arterial system" shall consist of a connected network of rural arterial routes with appropriate extensions into and through urban areas, including all routes designated as part of the interstate system, which serve corridor movements having travel characteristics indicative of substantial statewide and interstate travel;

(b) The "minor arterial system" shall, in conjunction with the principal arterial system, form a rural network of arterial routes linking cities and other activity centers which generate long distance travel, and, with appropriate extensions into and through urban areas, form an integrated network providing interstate and interregional service; and

(c) The "collector system" shall consist of routes which primarily serve the more important intercounty, intracounty, and intraurban travel corridors, collect traffic from the system of local access roads and convey it to the arterial system, and on which, regardless of traffic volume, the predominant travel distances are shorter than on arterial routes.

(2) In making the functional classification the transportation commission shall adopt and give consideration to criteria consistent with this section and federal regulations relating to the functional classification of highways, including but not limited to the following:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business, and industry;

(c) Feasibility of the route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service which shall include public transportation;

(h) Reasonable spacing depending upon population density; and

(i) System continuity.

(3) The transportation commission or the legislature shall designate state highways of statewide significance under RCW 47.06.140(~~and~~). If the commission designates a state highway of statewide significance, it shall submit a list of such facilities for adoption by the ((1999)) legislature. This statewide system shall include at a minimum interstate highways and other statewide principal arterials that are needed to connect major communities across the state and support the state's economy.

(4) The transportation commission shall designate a freight and goods transportation system. This statewide system shall include state highways, county roads, and city streets. The commission, in cooperation with cities and counties, shall review and make recommendations to the legislature regarding policies governing weight restrictions and road closures which affect the transportation of freight and goods.

**NEW SECTION. Sec. 302.** A new section is added to chapter 47.05 RCW to read as follows:

**DESIGNATION OF STATE ROUTE NUMBER 509.** The legislature designates that portion of state route number 509 that runs or will run from state route number 518 in the north to the intersection with interstate 5 in the south as a state highway of statewide significance.

**NEW SECTION. Sec. 303.** A new section is added to chapter 47.05 RCW to read as follows:

**DESIGNATION OF HIGHWAYS OF REGIONAL SIGNIFICANCE.** Highways of regional significance may receive funding under the conditions of section 102(8)(c) of this act. The following highways are of regional significance:

(1) That portion of state route number 9 that runs from state route number 522 in the south to state route number 531 in the north;

(2) That portion of state route number 524 that runs from state route number 5 easterly to state route number 522;

(3) That portion of state route number 704 from state route number 5 to state route number 7.

**NEW SECTION. Sec. 304.** A new section is added to chapter 47.17 RCW to read as follows:

**DESIGNATION OF CROSS BASE HIGHWAY.** A state highway to be known as state route number 704 is established as follows: Beginning at a junction with state route number 5 in south Pierce county, thence easterly across Fort Lewis to a junction with state route number 7.

#### IV. FINANCE

**NEW SECTION. Sec. 401. REGIONAL TRANSPORTATION INVESTMENT DISTRICT ACCOUNT.** The regional transportation investment district account is created in the custody of the state treasurer. The purpose of this account is to act as an account into which may be deposited state money, if any, that may be used in conjunction with district money to fund transportation projects. Additionally, the district may deposit funds into this account for disbursement, as appropriate, on transportation projects. Nothing in this section requires any state matching money. All money deposited in the regional transportation investment district account will be used for design, right of way acquisition, capital acquisition, and construction, or for the payment of debt service associated with these activities, for regionally funded transportation projects developed under this chapter. Only the district may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

**Sec. 402.** RCW 43.84.092 and 2001 2nd sp.s. c 14 s 608, 2001 c 273 s 6, 2001 c 141 s 3, and 2001 c 80 s 5 are each reenacted and amended to read as follows:

**DEPOSIT OF SURPLUS BALANCE INVESTMENT EARNINGS--TREASURY INCOME ACCOUNT--ACCOUNTS AND FUNDS CREDITED.** (1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public health supplemental account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve

officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 403.** A new section is added to chapter 47.56 RCW to read as follows:

**AUTHORIZATION FOR DISTRICT TO IMPOSE TOLLS.** Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, and only for the purposes authorized in section 105(1)(f) of this act, a regional transportation investment district may impose vehicle tolls on state routes where improvements financed in whole or in part by a regional transportation investment district add additional lanes to, or reconstruct lanes on, a highway of statewide significance. The department shall administer the collection of vehicle tolls on designated facilities unless otherwise specified in law, and the state transportation commission, or its successor, shall be the tolling authority.

**Sec. 404.** RCW 47.56.075 and 1984 c 7 s 252 are each amended to read as follows:

**DEPARTMENT OF TRANSPORTATION AUTHORIZATION FOR DISTRICT TOLL FACILITIES.** The department shall approve for construction only such toll roads as the legislature specifically authorizes or such toll facilities as are specifically sponsored by a regional transportation investment district, city, town, or county.

**NEW SECTION. Sec. 405.** A new section is added to chapter 82.14 RCW to read as follows:

**SALES AND USE TAX.** (1) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a sales and use tax of up to 0.5 percent of the selling price or value of the article used in the case of a use tax. The tax authorized by this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district. Motor vehicles are exempt from the sales and use tax imposed under this subsection.

(2) If approved by the majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may impose a tax on the use of a motor vehicle within a regional transportation investment district. The tax applies to those persons who reside within the regional transportation investment district. The rate of the tax may not exceed 0.5 percent of the value of the motor vehicle. The tax authorized by this subsection is in addition to the tax authorized under RCW 82.14.030 and must be imposed and collected at the time a taxable event under RCW 82.08.020(1) or 82.12.020 takes place. All revenue received under this subsection must be deposited in the local sales and use tax account and distributed to the regional transportation investment district according to RCW 82.14.050. The following provisions apply to the use tax in this subsection:

(a) Where persons are taxable under chapter 82.08 RCW, the seller shall collect the use tax from the buyer using the collection provisions of RCW 82.08.050.

(b) Where persons are taxable under chapter 82.12 RCW, the use tax must be collected using the provisions of RCW 82.12.045.

(c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(d) "Person" has the meaning given in RCW 82.04.030.

(e) The value of a motor vehicle must be determined under RCW 82.12.010.

(f) Except as specifically stated in this subsection (2), chapters 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW applies fully to the use tax.

**Sec. 406.** RCW 82.14.050 and 1999 c 165 s 14 are each amended to read as follows:

**CONTRACTS FOR COLLECTION OF SALES AND USE TAX.** The counties, cities, and transportation authorities under RCW 82.14.045 (~~and~~), public facilities districts under chapters 36.100 and 35.57 RCW, and regional transportation investment districts shall contract, prior to the effective date of a resolution or ordinance imposing a sales and use tax, the administration and collection to the state department of revenue, which shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected for administration and collection expenses incurred by the department. The remainder of any portion of any tax authorized by this chapter (~~which~~) that is collected by the department of revenue shall be deposited by the state department of revenue in the local sales and use tax account hereby created in the state treasury. Moneys in the local sales and use tax account may be spent only for distribution to counties, cities, transportation authorities, (~~and~~) public facilities districts, and regional transportation investment districts imposing a sales and use tax. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local sales and use tax account shall be credited to the local sales and use tax account and distributed to the counties, cities, transportation authorities, (~~and~~) public facilities districts, and regional transportation investment districts monthly.

**NEW SECTION. Sec. 407.** A new section is added to chapter 82.32 RCW to read as follows:

**TRANSFER OF SALES TAX ON TOLL PROJECTS.** (1) The tax imposed and collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on initial construction for a transportation project to be constructed under chapter 36.-- RCW (sections 101 through 118, 201, and 401 of this act), must be transferred to the transportation project to defray costs or pay debt service on that transportation project. In the case of a toll project, this transfer or credit must be used to lower the overall cost of the project and thereby the corresponding tolls.

(2) This transaction is exempt from the requirements in RCW 43.135.035(4).

(3) Government entities constructing transportation projects under chapter 36.-- RCW (sections 101 through 118, 201, and 401 of this act) shall report to the department the amount of state sales or use tax covered under this section.

**NEW SECTION. Sec. 408.** A new section is added to chapter 82.80 RCW to read as follows:

**LOCAL OPTION VEHICLE LICENSE FEE.** (1) Upon approval of a majority of the voters within its boundaries voting on the ballot proposition, a regional transportation investment district may set and impose an annual local option vehicle license fee, or a schedule of fees based upon the age of the vehicle, of up to one hundred dollars per motor vehicle registered within the boundaries of the region on every motor vehicle. As used in this section "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010. Vehicles registered under chapter 46.87 RCW and the International Registration Plan are exempt from the annual local option vehicle license fee set forth in this section. The department of licensing shall administer and collect this fee on behalf of regional transportation investment districts and remit this fee to the custody of the state treasurer for monthly distribution under RCW 82.80.080.

(2) The local option vehicle license fee applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(3) A regional transportation investment district imposing the local option vehicle license fee or initiating an exemption process shall enter into a contract with the department of licensing. The contract must contain provisions that fully recover the costs to the department of licensing for collection and administration of the fee.

(4) A regional transportation investment district imposing the local option fee shall delay the effective date of the local option vehicle license fee imposed by this section at least six months from the date of the final certification of the approval election to allow the department of licensing to implement the administration and collection of or exemption from the fee.

**Sec. 409.** RCW 81.100.010 and 1990 c 43 s 12 are each amended to read as follows:

**DISTRICT AUTHORITY TO IMPOSE HIGH-OCCUPANCY VEHICLE TAXES.** The need for mobility, growing travel demand, and increasing traffic congestion in urban areas necessitate accelerated development and increased utilization of the high-occupancy vehicle system. RCW 81.100.030 and 81.100.060 provide taxing authority that counties or regional transportation investment districts can use in the near term to accelerate development and increase utilization of the high-occupancy vehicle system by supplementing available federal, state, and local funds.

**Sec. 410.** RCW 81.100.030 and 1991 c 363 s 153 are each amended to read as follows:

**DISTRICT AUTHORITY TO IMPOSE HIGH-OCCUPANCY VEHICLE EMPLOYER TAX.** (1) A county with a population of one million or more, or a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, and having within its boundaries existing or planned high-occupancy vehicle lanes on the state highway system, or a regional transportation investment district for capital improvements, but only to the extent that the tax has not already been imposed by the county, may, with voter approval impose an excise tax of up to two dollars per employee per month on all employers or any class or classes of employers, public and private, including the state located in the agency's jurisdiction, measured by the number of full-time equivalent employees. In no event may the total taxes imposed under this section exceed two dollars per employee per month for any single employer. The county or investment district imposing the tax authorized in this section may provide for exemptions from the tax to such educational, cultural, health, charitable, or religious organizations as it deems appropriate.

Counties or investment districts may contract with the state department of revenue or other appropriate entities for administration and collection of the tax. Such contract shall provide for deduction of an amount for administration and collection expenses.

(2) The tax shall not apply to employment of a person when the employer has paid for at least half of the cost of a transit pass issued by a transit agency for that employee, valid for the period for which the tax would otherwise be owed.

(3) A county or investment district shall adopt rules (which) that exempt from all or a portion of the tax any employer that has entered into an agreement with the county or investment district that is designed to reduce the proportion of employees who drive in single-occupant vehicles during peak commuting periods in proportion to the degree that the agreement is designed to meet the goals for the employer's location adopted under RCW 81.100.040.

The agreement shall include a list of specific actions that the employer will undertake to be entitled to the exemption. Employers having an exemption from all or part of the tax through this subsection shall annually certify to the county or investment district that the employer is fulfilling the terms of the agreement. The exemption continues as long as the employer is in compliance with the agreement.

If the tax authorized in RCW 81.100.060 is also imposed (by the county), the total proceeds from both tax sources each year shall not exceed the maximum amount which could be collected under RCW 81.100.060.

**Sec. 411.** RCW 81.100.060 and 1998 c 321 s 34 are each amended to read as follows:

**DISTRICT AUTHORITY TO IMPOSE HIGH-OCCUPANCY VEHICLE MOTOR VEHICLE EXCISE TAX.** A county with a population of one million or more and a county with a population of from two hundred ten thousand to less than one million that is adjoining a county with a population of one million or more, having within their boundaries existing or planned high-occupancy vehicle lanes on the state highway system, or a regional transportation investment district for capital improvements, but only to the extent that the surcharge has not already been imposed by the county, may, with voter approval, impose a local surcharge of not more than ((13.64 percent on the state motor vehicle excise tax paid under RCW 82.44.020(1))) three-tenths of one percent of the value on vehicles registered to a person residing within the county and not more than 13.64 percent on the state sales and use taxes paid under the rate in RCW 82.08.020(2) on retail car rentals within the county or investment district. A county may impose the surcharge only to the extent that it has not been imposed by the district. No surcharge may be imposed on vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090.

Counties or investment districts imposing a tax under this section shall contract, before the effective date of the resolution or ordinance imposing a surcharge, administration and collection to the state department of licensing, and department of revenue, as appropriate, which shall deduct an amount, as provided by contract, for administration and collection expenses incurred by the department. All administrative provisions in chapters 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to ((state)) motor vehicle excise taxes, be applicable to surcharges imposed under this section. All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to state sales and use taxes, be applicable to surcharges imposed under this section.

If the tax authorized in RCW 81.100.030 is also imposed (by the county), the total proceeds from tax sources imposed under this section and RCW 81.100.030 each year shall not exceed the maximum amount which could be collected under this section.

**Sec. 412.** RCW 82.80.030 and 1990 c 42 s 208 are each amended to read as follows:

**DISTRICT AUTHORITY TO IMPOSE PARKING TAX.** (1) Subject to the conditions of this section, the legislative authority of a county ((or)), city, or district may fix and impose a parking tax on all persons engaged in a commercial parking business within its respective jurisdiction. A city or county may impose the tax only to the extent that it has not been imposed by the district, and a district may impose the tax only to the extent that it has not been imposed by a city or county. The jurisdiction of a county, for purposes of this section, includes only the unincorporated area of the county. The jurisdiction of a city, or district includes only the area within its ((incorporated)) boundaries.

(2) In lieu of the tax in subsection (1) of this section, a city ((or)), a county in its unincorporated area, or a district may fix and impose a tax for the act or privilege of parking a motor vehicle in a facility operated by a commercial parking business.

The city ((or)), county, or district may provide that:

(a) The tax is paid by the operator or owner of the motor vehicle;

(b) The tax applies to all parking for which a fee is paid, whether paid or leased, including parking supplied with a lease of nonresidential space;

(c) The tax is collected by the operator of the facility and remitted to the city ((or)), county, or district.

- (d) The tax is a fee per vehicle or is measured by the parking charge;
  - (e) The tax rate varies with zoning or location of the facility, the duration of the parking, the time of entry or exit, the type or use of the vehicle, or other reasonable factors; and
  - (f) Tax exempt carpools, vehicles with handicapped decals, or government vehicles are exempt from the tax.
- (3) "Commercial parking business" as used in this section, means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged. "Commercial parking lot" means a covered or uncovered area with stalls for the purpose of parking motor vehicles.
- (4) The rate of the tax under subsection (1) of this section may be based either upon gross proceeds or the number of vehicle stalls available for commercial parking use. The rates charged must be uniform for the same class or type of commercial parking business.
- (5) The county ((or), city, or district) levying the tax provided for in subsection (1) or (2) of this section may provide for its payment on a monthly, quarterly, or annual basis. Each local government may develop by ordinance or resolution rules for administering the tax, including provisions for reporting by commercial parking businesses, collection, and enforcement.
- (6) The proceeds of the commercial parking tax fixed and imposed by a city or county under subsection (1) or (2) of this section shall be used strictly for transportation purposes in accordance with RCW 82.80.070. The proceeds of the parking tax imposed by a district must be used as provided in chapter 36.-- RCW (sections 101 through 118, 201, and 401 of this act).

**Sec. 413.** RCW 82.80.070 and 1991 c 141 s 4 are each amended to read as follows:

**REQUIRES THAT LOCAL OPTION TAXES IMPOSED BY DISTRICT BE USED FOR DISTRICT TRANSPORTATION PROJECTS.** (1) The proceeds collected pursuant to the exercise of the local option authority of RCW 82.80.010, 82.80.020, 82.80.030, and 82.80.050 (hereafter called "local option transportation revenues") shall be used for transportation purposes only, including but not limited to the following: The operation and preservation of roads, streets, and other transportation improvements; new construction, reconstruction, and expansion of city streets, county roads, and state highways and other transportation improvements; development and implementation of public transportation and high-capacity transit improvements and programs; and planning, design, and acquisition of right of way and sites for such transportation purposes. The proceeds collected from excise taxes on the sale, distribution, or use of motor vehicle fuel and special fuel under RCW 82.80.010 shall be used exclusively for "highway purposes" as that term is construed in Article II, section 40 of the state Constitution.

(2) The local option transportation revenues shall be expended for transportation uses consistent with the adopted transportation and land use plans of the jurisdiction expending the funds and consistent with any applicable and adopted regional transportation plan for metropolitan planning areas.

(3) Each local government with a population greater than eight thousand that levies or expends local option transportation funds, is also required to develop and adopt a specific transportation program that contains the following elements:

(a) The program shall identify the geographic boundaries of the entire area or areas within which local option transportation revenues will be levied and expended.

(b) The program shall be based on an adopted transportation plan for the geographic areas covered and shall identify the proposed operation and construction of transportation improvements and services in the designated plan area intended to be funded in whole or in part by local option transportation revenues and shall identify the annual costs applicable to the program.

(c) The program shall indicate how the local transportation plan is coordinated with applicable transportation plans for the region and for adjacent jurisdictions.

(d) The program shall include at least a six-year funding plan, updated annually, identifying the specific public and private sources and amounts of revenue necessary to fund the program. The program shall include a proposed schedule for construction of projects and expenditure of revenues. The funding plan shall consider the additional local tax revenue estimated to be generated by new development within the plan area if all or a portion of the additional revenue is proposed to be earmarked as future appropriations for transportation improvements in the program.

(4) Local governments with a population greater than eight thousand exercising the authority for local option transportation funds shall periodically review and update their transportation program to ensure that it is consistent with applicable local and regional transportation and land use plans and within the means of estimated public and private revenue available.

(5) In the case of expenditure for new or expanded transportation facilities, improvements, and services, priorities in the use of local option transportation revenues shall be identified in the transportation program and expenditures shall be made based upon the following criteria, which are stated in descending order of weight to be attributed:

(a) First, the project serves a multijurisdictional function;

(b) Second, it is necessitated by existing or reasonably foreseeable congestion;

(c) Third, it has the greatest person-carrying capacity;

(d) Fourth, it is partially funded by other government funds, such as from the state transportation improvement board, or by private sector contributions, such as those from the local transportation act, chapter 39.92 RCW; and

(e) Fifth, it meets such other criteria as the local government determines is appropriate.

(6) It is the intent of the legislature that as a condition of levying, receiving, and expending local option transportation revenues, no local government agency use the revenues to replace, divert, or loan any revenues currently being used for transportation purposes to nontransportation purposes. The association of Washington cities and the Washington state association of counties, in consultation with the legislative transportation committee, shall study G10the issue of nondiversion and make recommendations to the legislative transportation committee for language implementing the intent of this section by December 1, 1990.

(7) Local governments are encouraged to enter into interlocal agreements to jointly develop and adopt with other local governments the transportation programs required by this section for the purpose of accomplishing regional transportation planning and development.

(8) Local governments may use all or a part of the local option transportation revenues for the amortization of local government general obligation and revenue bonds issued for transportation purposes consistent with the requirements of this section.

(9) Subsections (1) through (8) of this section do not apply to a regional transportation investment district imposing a tax or fee under the local option authority of this chapter. Proceeds collected under the exercise of local option authority under this chapter by a district must be used in accordance with chapter 36.-- RCW (sections 101 through 118, 201, and 401 of this act).

**Sec. 414.** RCW 82.80.080 and 1998 c 281 s 2 are each amended to read as follows:

**LOCAL OPTION TAX REVENUE DISTRIBUTION.** (1) The state treasurer shall distribute revenues, less authorized deductions, generated by the local option taxes authorized in RCW 82.80.010 and 82.80.020, levied by counties to the levying counties, and cities contained in those counties, based on the relative per capita population. County population for purposes of this section is equal to one and one-half of the unincorporated population of the county. In calculating the distributions, the state treasurer shall use the population estimates prepared by the state office of financial management and shall further calculate the distribution based on information supplied by the departments of licensing and revenue, as appropriate.

(2) The state treasurer shall distribute revenues, less authorized deductions, generated by the local option taxes authorized in RCW 82.80.010 and 82.80.020 levied by qualifying cities and towns to the levying cities and towns.

(3) The state treasurer shall distribute to the district revenues, less authorized deductions, generated by the local option taxes under RCW 82.80.010 or fees under section 408 of this act levied by a district.

**NEW SECTION. Sec. 415.** A new section is added to chapter 82.80 RCW to read as follows:

DISTRICT DEFINED FOR LOCAL TAXES. For the purposes of this chapter, "district" means a regional transportation investment district created under chapter 36.-- RCW (sections 101 through 118, 201, and 401 of this act).

#### V. OTHER PROVISIONS

NEW SECTION. Sec. 501. CAPTIONS AND SUBHEADINGS. Captions and subheadings used in this act are not part of the law.

NEW SECTION. Sec. 502. CODIFICATION. Sections 101 through 118, 201, and 401 of this act constitute a new chapter in Title 36 RCW.

NEW SECTION. Sec. 503. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 504. NULL AND VOID. This act is null and void if a transportation revenue act containing new or additional revenue does not become law by December 31, 2002."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 81.104.140, 47.56.075, 82.14.050, 81.100.010, 81.100.030, 81.100.060, 82.80.030, 82.80.070, and 82.80.080; reenacting and amending RCW 47.05.021 and 43.84.092; adding new sections to chapter 47.05 RCW; adding a new section to chapter 47.17 RCW; adding a new section to chapter 47.56 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; adding new sections to chapter 82.80 RCW; adding a new chapter to Title 36 RCW; and creating new sections.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

#### MOTION

Senator Haugen moved that the Senate concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6140.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendments to Engrossed Second Substitute Senate Bill No. 6140.

The motion by Senator Haugen carried and the Senate concurred in the House amendments to Engrossed Second Substitute Senate Bill No. 6140.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Second Substitute Senate Bill No. 6140, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6140, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 1; Excused, 0.

Voting yea: Senators Brown, Carlson, Costa, Eide, Fairley, Finkbeiner, Franklin, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Horn, Johnson, Kastama, Keiser, Long, McAuliffe, McCaslin, McDonald, Morton, Parlette, Prentice, Rasmussen, Rossi, Sheahan, Shin, Snyder, Spanel, Swecker, West, Winsley and Zarelli - 34.

Voting nay: Senators Benton, Fraser, Honeyford, Jacobsen, Kline, Kohl-Welles, Oke, Poulsen, Regala, Roach, Sheldon, B., Sheldon, T., Stevens and Thibaudeau - 14.

Absent: Senator Deccio - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6140, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2969, House Committee on Transportation (originally sponsored by Representative Fisher)

Addressing transportation improvement and financing.

#### MOTION

On motion of Senator Haugen, the following Committee on Transportation striking amendment was not adopted: Strike everything after the enacting clause and insert the following:

#### "PART I - ACCOUNTABILITY FOR TRANSPORTATION PROJECTS AND PROGRAMS

NEW SECTION. Sec. 101. It is essential that the legislature improve the accountability and efficiency of the department of transportation. Taxpayers must know that their tax dollars are being well spent to deliver critically needed transportation projects. To accomplish this, a legislative transportation accountability committee must be established to provide oversight on transportation projects. The legislative transportation accountability committee will replace and assume the duties and responsibilities of the legislative transportation committee and, additionally, report to the public on how tax dollars are spent on projects funded by new transportation taxes under this act.

**NEW SECTION. Sec. 102.** In addition to the legislative transportation accountability committee's other responsibilities under this chapter, the committee has the following responsibilities:

(1) Direct the department of transportation to submit a transportation accountability audit report as required under section 103 of this act;

(2) Report annually to the governor and the legislature on the department's progress on each project as further defined in section 103 of this act;

(3) When necessary, make policy recommendations for improving efficiencies, savings or improvements in the department's project management, accountability measures, or project delivery mechanisms; and

(4) Recommend any leading edge transportation project delivery strategies, oversight, accountability, or efficiency measures.

**NEW SECTION. Sec. 103.** The department of transportation shall prepare and submit to the transportation commission twice each year a comprehensive audit report on each transportation project funded by this act. The report shall be known as the "transportation accountability audit." At a minimum, the report must include the following elements:

(1) Project status and any scope changes;

(2) Estimated completion date and cost, noting any changes from past estimates;

(3) Actual project expenditures as compared with projected expenditures;

(4) Any changes in financing for each project;

(5) Claim or change orders that result in greater than a five percent cumulative increase in project cost, or greater than sixty days of delay;

(6) Status of any required permits;

(7) Mitigation efforts to relieve both traffic and environmental impacts;

(8) Evaluation of work force effectiveness, including both state employees and contractors;

(9) Outlook for the upcoming year, including projected accomplishments and challenges;

(10) Copies of any accountability reports filed with the federal highway administration; and

(11) Any other useful information the committee or commission requests.

**NEW SECTION. Sec. 104.** The transportation commission must review the proposed transportation accountability audit submitted by the department. After reviewing the information contained therein, the commission may request additional information or data, or ask for clarifications. The commission is prohibited from changing any of the data contained in the audit report.

After conducting its review, the commission must forward the transportation accountability audit to the legislative transportation accountability committee.

**NEW SECTION. Sec. 105.** (1) Upon completion of its review under section 104 of this act, the transportation commission shall forward the transportation accountability audit to the legislative transportation accountability committee. The legislative transportation accountability committee will take appropriate action.

(a) In determining appropriate action, the committee:

(i) Will analyze, investigate, and evaluate the data contained in the audit report;

(ii) May retain planners, consultants, and other technical personnel to assist in the audit review process; and

(iii) May request additional information or data from the department of transportation.

(b) As part of the evaluation process, the committee may make recommendations to the department and the transportation commission for efficiencies, savings, or improvements in the department's project management, accountability measures, or project delivery mechanisms. The legislative transportation accountability committee chair will work with the department and the transportation commission on behalf of the committee to implement changes recommended by the committee.

(2) After reviewing the report, the committee must forward the transportation accountability audit to the office of financial management, along with any recommendations the committee makes pursuant to section 102 of this act.

(3) The committee must publish and make the transportation accountability audit report available to the public in both print and electronic media.

(4) In addition to its regular staff, the committee may retain planners, consultants, and other technical personnel to advise it in the performance of its duties, assist in the review of the transportation accountability audit, and to assist in other audits initiated by the committee.

**NEW SECTION. Sec. 106.** Sections 101 through 105 of this act are each added to chapter 44.40 RCW.

**Sec. 107.** RCW 44.40.010 and 1999 sp.s. c 1 s 616 are each amended to read as follows:

The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, recreated and renamed the legislative transportation committee by chapter 87, Laws of 1980, is hereby recreated and renamed the legislative transportation accountability committee. The renaming of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation accountability committee. The committee shall consist of twelve senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. Not more than six members from each house may be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority. All vacancies must be filled from the same political party and from the same house as the member whose seat was vacated.

~~((On May 27, 1999, the president of the senate shall appoint an additional senate member as provided by the 1999 amendment of this section. With the appointment of the additional member, the terms of officers elected before May 27, 1999, are terminated, and the committee shall hold a new election of officers.))~~

The committee shall adopt rules and procedures for its orderly operation.

**Sec. 108.** RCW 44.40.013 and 2001 c 259 s 5 are each amended to read as follows:

The administration of the legislative transportation accountability committee is subject to RCW 44.04.260.

**Sec. 109.** RCW 44.40.015 and 2001 c 259 s 6 are each amended to read as follows:

The members of the legislative transportation accountability committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation accountability committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

Subject to RCW 44.04.260, the executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, determining the number of legislative transportation accountability committee staff, and other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation accountability committee, and subject to RCW 44.04.260, the executive committee is responsible for adopting interim work plans and meeting schedules, approving all contracts signed on behalf of the committee, and setting policies for legislative transportation accountability committee staff utilization.

**Sec. 110.** RCW 44.40.020 and 1996 c 129 s 9 are each amended to read as follows:

(1) The committee is authorized and directed to continue its studies and for that purpose shall have the powers set forth in chapter 111, Laws of 1947. The committee is further authorized to make studies related to bills assigned to the house and senate transportation committees and such other studies as provided by law. The executive committee of the committee may assign responsibility for all or part of the conduct of studies to the house and/or senate transportation committees.

(2) The committee may review and approve franchise agreements entered into by the department of transportation under RCW ((43.51.113)) 79A.05.125.

**Sec. 111.** RCW 44.40.025 and 1996 c 288 s 49 are each amended to read as follows:

In addition to the powers and duties authorized in RCW 44.40.020, the committee and the standing committees on transportation of the house and senate shall, in coordination with the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

The joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives shall coordinate their activities with the legislative transportation accountability committee in carrying out the committees' powers and duties under chapter 43.88 RCW in matters relating to the transportation programs of the state.

**Sec. 112.** RCW 44.40.030 and 1982 c 227 s 17 are each amended to read as follows:

In addition to the powers and duties heretofore conferred upon it, the legislative transportation accountability committee may participate in: (1) The activities of committees of the council of state governments concerned with transportation activities; (2) activities of the national committee on uniform traffic laws and ordinances; (3) any interstate reciprocity or proration meetings designated by the department of licensing; and (4) such other organizations as it deems necessary and appropriate.

**Sec. 113.** RCW 44.40.040 and 2001 c 259 s 7 are each amended to read as follows:

The members of the legislative transportation accountability committee and the house and senate transportation committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120. Subject to RCW 44.04.260, all expenses incurred by the committee, and the house and senate transportation committees, including salaries of employees of the legislative transportation accountability committee, shall be paid upon voucher forms as provided by the office of financial management and signed by the chairman or vice chairman or authorized designee of the chairman of the committee, and the authority of said chairman or vice chairman to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

**Sec. 114.** RCW 44.40.070 and 1998 c 245 s 87 are each amended to read as follows:

Prior to October 1st of each even-numbered year all state agencies whose major programs consist of transportation activities, including the department of transportation, the transportation improvement board, the Washington state patrol, the department of licensing, the traffic safety commission, the county road administration board, and the board of pilotage commissioners, shall adopt or revise, after consultation with the legislative transportation accountability committee, a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The comprehensive six-year program and financial plan shall state the general objectives and needs of each agency's major transportation programs, including workload and performance estimates.

**Sec. 115.** RCW 44.40.090 and 2001 c 259 s 8 are each amended to read as follows:

Subject to RCW 44.04.260, powers and duties enumerated by this chapter shall be delegated to the senate and house transportation committees during periods when the legislative transportation accountability committee is not appointed.

**Sec. 116.** RCW 44.40.100 and 2001 c 259 s 9 are each amended to read as follows:

Subject to RCW 44.04.260, the legislative transportation accountability committee and the senate and house transportation committees may enter into contracts on behalf of the state to carry out the purposes of this chapter; and it or they may act for the state in the initiation of or participation in any multigovernmental program relative to transportation planning or programming; and it or they may enter into contracts to receive federal or other funds, grants, or gifts to carry out said purposes and to be used in preference to or in combination with state funds. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

**Sec. 117.** RCW 44.40.140 and 1983 c 212 s 2 are each amended to read as follows:

Prior to the start of each regular legislative session in an odd-numbered year, the legislative transportation accountability committee shall review the policy of the state concerning fees imposed on nonpolluting fuels under RCW 82.38.075, and shall report its findings and recommendations for change, if any, to the legislature.

**Sec. 118.** RCW 44.40.150 and 1998 c 245 s 88 are each amended to read as follows:

(1) The legislative transportation accountability committee shall undertake a study and develop recommendations for legislative and executive consideration that will:

(a) Increase the efficiency and effectiveness of state transportation programs and reduce costs;

(b) Enhance the accountability and organizational soundness of all transportation modes;

(c) Encourage better communication between local jurisdictions and the department of transportation in developing engineering plans and subsequent construction projects;

(d) Encourage private sector support and financial participation in project development and construction of transportation projects;

(e) Develop long-range goals that reflect changing technology and state-of-the-art advancements in transportation;

(f) Explore alternatives for the establishment of an integrated and balanced multimodal statewide transportation system to meet the needs of the 21st century; and (g) Explore ways to reduce the demand on the transportation system and more effectively use the existing system.

The committee may study other transportation needs and problems and make further recommendations.

(2) The office of financial management and the department of transportation shall provide staff support as required by the legislative transportation accountability committee in developing the recommendations. To the extent permitted by law, all agencies of the state shall cooperate fully with the legislative transportation accountability committee in carrying out its duties under this section.

(3) The legislative transportation accountability committee may receive and expend gifts, grants, and endowments from private sector sources to carry out the purpose of this section.

## PART II - LICENSE FEES

**Sec. 201.** RCW 46.16.0621 and 2000 1st sp.s. c 1 s 1 are each amended to read as follows:

(1) License tab fees shall be thirty dollars per year for motor vehicles, regardless of year, value, make, or model, beginning January 1, 2000.

(2) For the purposes of this section, "license tab fees" are defined as the general fees paid annually for licensing motor vehicles, including cars, sport utility vehicles, and motorcycles(~~(-and motor homes)~~).

**NEW SECTION. Sec. 202.** A new section is added to chapter 46.04 RCW to read as follows:

"Gross weight portion of the current combined licensing fees" means the amounts listed in RCW 46.16.070, Schedule A, less twenty-five dollars and seventy-five cents, and the amounts listed in Schedule B, less twenty-five dollars and seventy-five cents and less an additional ninety dollars if the requested gross weight is over forty thousand pounds.

**Sec. 203.** RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to ~~((the excise tax prescribed in chapter 82.44 RCW and))~~ the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, motor home, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight ~~((thereof pursuant to the provisions of))~~ under chapter 46.44 RCW, the following licensing fees by such gross weight:

DECLARED A SCHEDULE B	GROSS	WEIGHT SCHEDULE
4,000 lbs.	\$ 37.00	\$ 37.00
6,000 lbs.	\$ 44.00	\$ 44.00
8,000 lbs.	\$ 55.00	\$ 55.00
10,000 lbs.	\$ 62.00	\$ 62.00
12,000 lbs.	\$ 72.00	\$ 72.00
14,000 lbs.	\$ 82.00	\$ 82.00
16,000 lbs.	\$ 92.00	\$ 92.00
18,000 lbs.	\$ 137.00	\$ 137.00
20,000 lbs.	\$ 152.00	\$ 152.00
22,000 lbs.	\$ 164.00	\$ 164.00
24,000 lbs.	\$ 177.00	\$ 177.00
26,000 lbs.	\$ 187.00	\$ 187.00
28,000 lbs.	\$ 220.00	\$ 220.00
30,000 lbs.	\$ 253.00	\$ 253.00
32,000 lbs.	\$ 304.00	\$ 304.00
34,000 lbs.	\$ 323.00	\$ 323.00
36,000 lbs.	\$ 350.00	\$ 350.00
38,000 lbs.	\$ 384.00	\$ 384.00
40,000 lbs.	\$ 439.00	\$ 439.00
42,000 lbs.	\$ 456.00	\$ 456.00
44,000 lbs.	\$ 466.00	\$ 556.00
46,000 lbs.	\$ 501.00	\$ 591.00
48,000 lbs.	\$ 522.00	\$ 612.00
50,000 lbs.	\$ 566.00	\$ 656.00
52,000 lbs.	\$ 595.00	\$ 685.00
54,000 lbs.	\$ 642.00	\$ 732.00
56,000 lbs.	\$ 677.00	\$ 767.00
58,000 lbs.	\$ 704.00	\$ 794.00
60,000 lbs.	\$ 750.00	\$ 840.00
62,000 lbs.	\$ 804.00	\$ 894.00
64,000 lbs.	\$ 822.00	\$ 912.00
66,000 lbs.	\$ 915.00	\$ 1,005.00
68,000 lbs.	\$ 954.00	\$ 1,044.00
70,000 lbs.	\$ 1,027.00	\$ 1,117.00
72,000 lbs.	\$ 1,098.00	\$ 1,188.00
74,000 lbs.	\$ 1,193.00	\$ 1,283.00
76,000 lbs.	\$ 1,289.00	\$ 1,379.00
78,000 lbs.	\$ 1,407.00	\$ 1,497.00
80,000 lbs.	\$ 1,518.00	\$ 1,608.00
82,000 lbs.	\$ 1,623.00	\$ 1,713.00
84,000 lbs.	\$ 1,728.00	\$ 1,818.00
86,000 lbs.	\$ 1,833.00	\$ 1,923.00
88,000 lbs.	\$ 1,938.00	\$ 2,028.00
90,000 lbs.	\$ 2,043.00	\$ 2,133.00
92,000 lbs.	\$ 2,148.00	\$ 2,238.00
94,000 lbs.	\$ 2,253.00	\$ 2,343.00
96,000 lbs.	\$ 2,358.00	\$ 2,448.00
98,000 lbs.	\$ 2,463.00	\$ 2,553.00
100,000 lbs.	\$ 2,568.00	\$ 2,658.00
102,000 lbs.	\$ 2,673.00	\$ 2,763.00
104,000 lbs.	\$ 2,778.00	\$ 2,868.00
105,500 lbs.	\$ 2,883.00	\$ 2,973.00

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(2) Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

(3)(a) Beginning with all motor vehicle registrations that are due or become due on October 1, 2002, there will be paid and collected annually a twenty-percent surcharge on the gross weight portion of the combined licensing fees in effect January 1, 2002.

(b) Beginning with all motor vehicle registrations that are due or become due on October 1, 2003, and thereafter, there will be paid and collected annually a forty-percent surcharge on the gross weight portion of the combined licensing fees in effect January 1, 2002.

(4) The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

~~((2))~~ (5) The proceeds from the fees collected under ~~(subsection (1) of)~~ this section shall be distributed in accordance with RCW 46.68.035.

**Sec. 204.** RCW 46.68.035 and 2000 2nd sp.s. c 4 s 8 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The proceeds from the surcharge collected under RCW 46.16.070(3) must be deposited into the motor vehicle fund.

(3) All fees collected under RCW 46.16.070(1) for motor homes, less the distribution required under subsection (1) of this section, must be deposited into the motor vehicle fund.

(4) The remainder shall be distributed as follows:

(a) 23.677 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) 1.521 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; and

(c) The remaining proceeds shall be deposited into the motor vehicle fund.

**Sec. 205.** RCW 46.16.071 and 1996 c 315 s 4 are each amended to read as follows:

(1) In addition to the fees set forth in RCW 46.16.070, there shall be paid and collected annually upon registration, a fee of one dollar for each motor home, truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, notwithstanding the provisions of RCW 46.16.070.

(2) In addition to the fees set forth in RCW 46.16.085, there shall be paid and collected annually upon registration, a fee of one dollar for each trailer, semitrailer, and pole trailer, notwithstanding the provisions of RCW 46.16.085.

(3) The proceeds from the fees collected under subsections (1) and (2) of this section shall be deposited into the highway safety fund, except that for each vehicle registered by a county auditor or agent to a county auditor under RCW 46.01.140, the proceeds shall be credited to the current county expense fund.

### PART III - FUEL TAX

**Sec. 301.** RCW 82.36.025 and 1999 c 269 s 16 and 1999 c 94 s 29 are each reenacted and amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon ~~(shall apply)~~ applies to the sale, distribution, or use of motor vehicle fuel.

(2) Beginning October 1, 2002, an additional and cumulative motor fuel tax rate of three cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(3) Beginning October 1, 2003, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(4) Beginning October 1, 2004, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

**Sec. 302.** RCW 82.38.030 and 2001 c 270 s 6 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate ~~(computed in the manner provided in RCW 82.36.025 on each)~~ of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning October 1, 2002, an additional and cumulative tax rate of six cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(3) Beginning October 1, 2003, an additional and cumulative special fuel tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(4) Beginning October 1, 2004, an additional and cumulative special fuel tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(5) The tax is imposed ~~(by subsection (1) of this section is imposed)~~ when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(h) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer-terminal system.

~~((3))~~ (6) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.

**Sec. 303.** RCW 46.68.090 and 1999 c 269 s 2 and 1999 c 94 s 6 are each reenacted and amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in ~~((the proportions set forth in (e) through (h)))~~ accordance with subsections (2) and (3) of this ((subsection)) section.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly~~((;))~~.

(2) All of the remaining net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a) through (j) of this subsection.

~~((e))~~ (a) For distribution to the motor vehicle fund an amount equal to 44.387 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) to be expended for highway purposes of the state as defined in RCW 46.68.130;

~~((d))~~ (b) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

(i) Accident experience;

(ii) Fatal accident experience;

(iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection ~~((1)(d))~~ (2)(b);

~~((e))~~ (c) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1);

~~((f))~~ (d) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1);

~~((g))~~ (e) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1);

~~((h))~~ (f) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) and expended in accordance with RCW 47.26.086;

~~((i))~~ (g) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) in accordance with RCW 46.68.110;

~~((j))~~ (h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1): (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

~~((k))~~ (i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1). These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

~~((l))~~ (j) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) and expended in accordance with RCW 36.79.020.

~~((2))~~ (3) 100 percent of the net tax amount collected under RCW 82.36.025 (2), (3), and (4) and 82.38.030 (2), (3), and (4) shall be distributed to the motor vehicle fund.

(4) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

**Sec. 304.** RCW 82.38.035 and 2001 c 270 s 7 are each amended to read as follows:

(1) A licensed supplier shall remit tax on special fuel to the department as provided in RCW 82.38.030~~((2))~~ (5)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall remit the tax.

(2) A refiner shall remit tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030~~((2))~~ (5)(b).

(5)(c). (3) An importer shall remit tax to the department on special fuel imported into this state as provided in RCW 82.38.030~~((2))~~.

(5)(e). (4) A blender shall remit tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030~~((2))~~.

(5)(f). (5) A dyed special fuel user shall remit tax to the department on the use of dyed special fuel as provided in RCW 82.38.030~~((2))~~.

**Sec. 305.** RCW 82.38.045 and 1998 c 176 s 54 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030~~((4))~~ if, at the time of removal:

(1) The position holder with respect to the special fuel is a person other than the terminal operator and is not a licensee;

(2) The terminal operator is not a licensee;

(3) The position holder has an expired internal revenue service notification certificate issued under chapter 26, C.F.R. Part 48; or

(4) The terminal operator had reason to believe that information on the notification certificate was false.

**Sec. 306.** RCW 82.38.047 and 1998 c 176 s 55 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030~~((4))~~ if, in connection with the removal of special fuel that is not dyed or marked in accordance with internal revenue service requirements, the terminal operator provides a person with a bill of lading, shipping paper, or similar document indicating that the special fuel is dyed or marked in accordance with internal revenue service requirements.

**Sec. 307.** RCW 82.38.075 and 1983 c 212 s 1 are each amended to read as follows:

In order to encourage the use of nonpolluting fuels, an annual license fee in lieu of the tax imposed by RCW 82.38.030 shall be imposed upon the use of natural gas as defined in this chapter or on liquified petroleum gas, commonly called propane, which is used in any motor vehicle, as defined in RCW 46.04.320, which shall be based upon the following schedule as adjusted by the formula set out below:

VEHICLE TONNAGE (GVW) FEE  
0 - 6,000 \$ 45

6,001 - 10,000	\$ 45
10,001 - 18,000	\$ 80
18,001 - 28,000	\$110
28,001 - 36,000	\$150
36,001 and above	\$250

To determine the actual annual license fee imposed by this section for a registration year, the appropriate dollar amount set out in the above schedule shall be multiplied by the ~~((motor vehicle))~~ special fuel tax rate in cents per gallon as established by RCW ~~((82.36.025))~~ 82.38.030 effective on July 1st of the preceding calendar year and the product thereof shall be divided by 12 cents.

The department of licensing, in addition to the foregoing fee, shall charge a further fee of five dollars as a handling charge for each license issued.

The director of licensing shall be authorized to prorate the vehicle tonnage fee so that the annual license required by this section will correspond with the staggered vehicle licensing system.

A decal or other identifying device issued upon payment of these annual fees shall be displayed as prescribed by the department as authority to purchase this fuel.

Persons selling or dispensing natural gas or propane may not sell or dispense this fuel for their own use or the use of others into tanks of vehicles powered by this fuel which do not display a valid decal or other identifying device as provided in this section.

Vehicles registered in jurisdictions outside the state of Washington are exempt from this section.

Any person selling or dispensing natural gas or propane into the tank of a motor vehicle powered by this fuel, except as prescribed in this chapter, is subject to the penalty provisions of this chapter.

**Sec. 308.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, ~~((1990))~~ 2001, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

- (i) Not more than five percent may be expended for information programs under this chapter;
- (ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;
- (iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;
- (iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The expenditures in this subsection (1)(d) shall be calculated on the motor vehicle fuel tax in effect January 1, 1990, until this subsection (1)(d) is amended to reflect the findings of the recreational fuel use study provided in section 346, chapter 8, Laws of 2001 2nd sp. sess. The funds under this subsection shall be expended in accordance with the following limitations:

- (i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;
- (ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;
- (iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

**Sec. 309.** RCW 46.10.170 and 1994 c 262 s 4 are each amended to read as follows:

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile, the number of registered snowmobiles during the calendar year under determination, and the fuel tax rate in effect January 1, ~~((1990))~~ 2001.

**Sec. 310.** RCW 79A.25.070 and 2000 c 11 s 73 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. The director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 79A.25.030, shall request the state treasurer to transfer monthly from the marine fuel tax refund account an amount equal to the proportion of the moneys in the account representing the motor vehicle fuel tax rate under RCW 82.36.025 in effect on January 1, ~~((1990))~~ 2001, to the recreation resource account and the remainder to the motor vehicle fund.

#### PART IV - SALES AND USE TAXES

**Sec. 401.** RCW 82.08.020 and 2000 2nd sp.s. c 4 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning October 1, 2002, there is levied and collected an additional tax of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(5) The revenue collected under subsection (3) of this section must be deposited into the multimodal transportation account under RCW 47.66.070.

(6) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

((4)) (7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

**Sec. 402.** RCW 82.12.020 and 1999 c 358 s 9 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer: (a) Any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7); or (b) any canned software, regardless of the method of delivery, but excluding canned software that is either provided free of charge or is provided for temporary use in viewing information, or both.

(2) This tax shall apply to the use of every service defined as a retail sale in RCW 82.04.050(3)(a) and the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.

(3) Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property or service of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or service from the taxes imposed by such chapters.

(4) The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rates in effect for the retail sales tax under RCW 82.08.020.

**Sec. 403.** RCW 82.12.045 and 1996 c 149 s 19 are each amended to read as follows:

(1) In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances:

(a) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer;

(b) Where the application is for the renewal of registration;

(c) Where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or

(d) Where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by ~~((him))~~ the applicant on the vehicle in question.

(2) The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses.

(3) It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon ~~((his))~~ the application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor.

(4) Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as ~~((his))~~ a collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

(5) Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he or she has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050(3). Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

(6) The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

(7) The use tax revenue collected under RCW 82.08.020(3) will be deposited in the multimodal transportation account under RCW 47.66.070.

**NEW SECTION. Sec. 404.** A new section is added to chapter 43.135 RCW to read as follows:

A transfer from the general fund to the multimodal transportation account under section 405 of this act for taxes collected under chapters 82.08 and 82.12 RCW on new construction projects within the improvement program in RCW 47.05.030(2), does not require a corresponding lowering of the state expenditure limit to reflect this shift for purposes of RCW 43.135.035(4).

**NEW SECTION. Sec. 405.** A new section is added to chapter 82.32 RCW to read as follows:

(1) Effective for taxes collected in fiscal year 2006, the tax imposed and collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on new construction projects within the improvement program in RCW 47.05.030(2), except for those projects related to safety and protection of the environment, shall be transferred from the general fund to the multimodal transportation account once each quarter.

(2) This transaction is exempt from the requirements in RCW 43.135.035(4).

(3) Government entities conducting new construction projects within the improvement program in RCW 47.05.030(2) shall report to the department by August 1st of each year the amount of state sales or use tax attributable to the projects identified in this section from the previous fiscal year for purposes of transfer to the multimodal transportation account. The department shall notify the state treasurer of the amount of the transfer.

## PART V - MISCELLANEOUS

**NEW SECTION. Sec. 501.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 502. Part headings used in this act do not constitute any part of the law."

## MOTION

Senator Haugen moved that the following amendment by Senators Haugen, Jacobsen, Horn, McDonald, Benton and Gardner be adopted:

Strike everything after the enacting clause and insert the following:

### "PART I - ACCOUNTABILITY FOR TRANSPORTATION PROJECTS AND PROGRAMS

NEW SECTION. Sec. 101. It is essential that the legislature improve the accountability and efficiency of the department of transportation. Taxpayers must know that their tax dollars are being well spent to deliver critically needed transportation projects. To accomplish this, a transportation accountability process must be established to provide oversight on transportation projects. The legislative transportation accountability committee will replace and assume the duties and responsibilities of the legislative transportation committee and, additionally, in conjunction with an independent transportation accountability board, report to the public on how tax dollars are spent on projects funded by new transportation taxes under this act.

NEW SECTION. Sec. 102. In addition to the legislative transportation accountability committee's other responsibilities under this chapter, the committee has the following responsibilities:

(1) Direct the department of transportation to submit a transportation accountability audit report as required under section 103 of this act;

(2) Report annually to the governor and the legislature on the department's progress on each project as further defined in section 103 of this act;

(3) When necessary, make policy recommendations for improving efficiencies, savings, or improvements in the department's project management, accountability measures, or project delivery mechanisms;

(4) Recommend any leading edge transportation project delivery strategies, oversight, accountability, or efficiency measures; and

(5) Appoint members of the transportation accountability board as nominated by the governor pursuant to section 106 of this act.

NEW SECTION. Sec. 103. The department of transportation shall prepare and submit to the transportation commission once each quarter a comprehensive audit report on each transportation project funded by this act. The audit report shall be known as the "transportation accountability audit." For the purposes of this act, the audit must include the following elements:

(1) Project status and any scope changes;

(2) Estimated completion date and cost, noting any changes from past estimates;

(3) Actual project expenditures as compared with projected expenditures;

(4) Any changes in financing for each project;

(5) Claim or change orders that result in greater than a five-percent cumulative increase in project cost, or greater than sixty days of delay;

(6) Status of any required permits;

(7) Mitigation efforts to relieve both traffic and environmental impacts;

(8) Evaluation of work force effectiveness, including both state employees and contractors;

(9) Outlook for the upcoming year, including projected accomplishments and challenges;

(10) Copies of any accountability reports filed with the federal highway administration; and

(11) Any other useful information the committee or commission requests.

NEW SECTION. Sec. 104. The transportation commission must review the proposed transportation accountability audit submitted by the department. After reviewing the information contained therein, the commission may request additional information or data, or ask for clarifications. The commission is prohibited from changing any of the data contained in the audit report.

After conducting its review, the commission must forward the transportation accountability audit to the legislative transportation accountability committee and the transportation accountability board.

NEW SECTION. Sec. 105. (1) Upon completion of its review under section 104 of this act, the transportation commission shall forward the transportation accountability audit to the transportation accountability board and the legislative transportation accountability committee. The transportation accountability board will accept or reject the report.

(a) In determining whether to accept or reject the report, the board:

(i) Will analyze, investigate, and evaluate the data contained in the audit report;

(ii) May, when authorized by the legislative transportation accountability committee, contract out for planners, consultants, and other technical personnel to assist in the audit review process; and

(iii) May request additional information or data from the department of transportation.

(b) As part of the evaluation process, the board may make recommendations to the legislative transportation accountability committee for efficiencies, savings, or improvements in the department's project management, accountability measures, or project delivery mechanisms.

(2) After reviewing the report, the board must forward the transportation accountability audit and recommendations to the office of financial management and the legislative transportation accountability committee.

(3) The legislative transportation accountability committee must make the transportation accountability audit report available to the public.

(4) In addition to its regular staff, the legislative transportation accountability committee is authorized to contract out for planners, consultants, and other technical personnel to advise it, or the board at its request, in the performance of its duties, assist in the review of the transportation accountability audit, and to assist in other audits initiated by the committee.

(5) Staff support to the board must be provided by the legislative transportation accountability committee, which shall provide professional support for the duties, functions, responsibilities, and activities of the board, including but not limited to information technology systems; data collection, processing, analysis, and reporting; project management; and office space, equipment, and secretarial support. The legislative evaluation and accountability program will provide data and information technology support consistent with the support currently supplied to existing legislative committees.

NEW SECTION. Sec. 106. (1) The transportation accountability board is created.

(2) The board will consist of no fewer than five and no more than nine members nominated by the governor, and selected by the legislative transportation accountability committee, for terms of four years, except that at least half the members initially appointed will be appointed for terms of two years. The members of the board must be chosen so the board will have experience and expertise relating to major civil engineering and construction works and facilities to include: (a) Design, estimating, contract packaging, and procurement; (b) construction means and methods and construction management and administration; (c) project finance, accounting, controls, and reporting; (d) procedures for obtaining permits and for assuring regulatory compliance; (e) dispute resolution; (f) construction work force training and safety; (g) general public administration; and (h) experience crafting and implementing environmental mitigation plans.

(3) The legislative transportation accountability committee may not remove members from the board before the expiration of their terms unless for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

(4) No member may be appointed for more than three consecutive terms.

**NEW SECTION. Sec. 107.** (1) The board shall meet periodically. It may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members. The board shall be compensated from the general appropriation for the legislative transportation accountability committee and in accordance with RCW 43.03.250.

(2) Each member of the board will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chairman. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chairman may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

(3) The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

**NEW SECTION. Sec. 108.** Sections 101 through 107 of this act are each added to chapter 44.40 RCW.

**Sec. 109.** RCW 44.40.010 and 1999 sp.s. c 1 s 616 are each amended to read as follows:

The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, recreated and renamed the legislative transportation committee by chapter 87, Laws of 1980, is hereby recreated and renamed the legislative transportation accountability committee. The renaming of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation accountability committee. The committee shall consist of twelve senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. Not more than six members from each house may be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority. All vacancies must be filled from the same political party and from the same house as the member whose seat was vacated.

~~((On May 27, 1999, the president of the senate shall appoint an additional senate member as provided by the 1999 amendment of this section. With the appointment of the additional member, the terms of officers elected before May 27, 1999, are terminated, and the committee shall hold a new election of officers.))~~

The committee shall adopt rules and procedures for its orderly operation.

**Sec. 110.** RCW 44.40.013 and 2001 c 259 s 5 are each amended to read as follows:

The administration of the legislative transportation accountability committee is subject to RCW 44.04.260.

**Sec. 111.** RCW 44.40.015 and 2001 c 259 s 6 are each amended to read as follows:

The members of the legislative transportation accountability committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation accountability committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

Subject to RCW 44.04.260, the executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, determining the number of legislative transportation accountability committee staff, and other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation accountability committee, and subject to RCW 44.04.260, the executive committee is responsible for adopting interim work plans and meeting schedules, approving all contracts signed on behalf of the committee, and setting policies for legislative transportation accountability committee staff utilization.

**Sec. 112.** RCW 44.40.020 and 1996 c 129 s 9 are each amended to read as follows:

(1) The committee is authorized and directed to continue its studies and for that purpose shall have the powers set forth in chapter 111, Laws of 1947. The committee is further authorized to make studies related to bills assigned to the house and senate transportation committees and such other studies as provided by law. The executive committee of the committee may assign responsibility for all or part of the conduct of studies to the house and/or senate transportation committees.

(2) The committee may review and approve franchise agreements entered into by the department of transportation under RCW ~~((43.51.113))~~ 79A.05.125.

**Sec. 113.** RCW 44.40.025 and 1996 c 288 s 49 are each amended to read as follows:

In addition to the powers and duties authorized in RCW 44.40.020, the committee and the standing committees on transportation of the house and senate shall, in coordination with the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

The joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives shall coordinate their activities with the legislative transportation accountability committee in carrying out the committees' powers and duties under chapter 43.88 RCW in matters relating to the transportation programs of the state.

**Sec. 114.** RCW 44.40.030 and 1982 c 227 s 17 are each amended to read as follows:

In addition to the powers and duties heretofore conferred upon it, the legislative transportation accountability committee may participate in: (1) The activities of committees of the council of state governments concerned with transportation activities; (2) activities of the national committee on uniform traffic laws and ordinances; (3) any interstate reciprocity or proration meetings designated by the department of licensing; and (4) such other organizations as it deems necessary and appropriate.

**Sec. 115.** RCW 44.40.040 and 2001 c 259 s 7 are each amended to read as follows:

The members of the legislative transportation accountability committee and the house and senate transportation committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120. Subject to RCW 44.04.260, all expenses incurred by the committee, and the house and senate transportation committees, including salaries of employees of the legislative transportation accountability committee, shall be paid upon voucher forms as provided by the office of financial management and signed by the chairman or vice chairman or authorized designee of the chairman of the committee, and the authority of said chairman or vice chairman to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

**Sec. 116.** RCW 44.40.070 and 1998 c 245 s 87 are each amended to read as follows:

Prior to October 1st of each even-numbered year all state agencies whose major programs consist of transportation activities, including the department of transportation, the transportation improvement board, the Washington state patrol, the department of licensing, the traffic safety commission, the county road administration board, and the board of pilotage commissioners, shall adopt or revise, after consultation with the legislative transportation accountability committee, a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The comprehensive six-year program and financial plan shall state the general objectives and needs of each agency's major transportation programs, including workload and performance estimates.

**Sec. 117.** RCW 44.40.090 and 2001 c 259 s 8 are each amended to read as follows:

Subject to RCW 44.04.260, powers and duties enumerated by this chapter shall be delegated to the senate and house transportation committees during periods when the legislative transportation accountability committee is not appointed.

**Sec. 118.** RCW 44.40.100 and 2001 c 259 s 9 are each amended to read as follows:

Subject to RCW 44.04.260, the legislative transportation accountability committee and the senate and house transportation committees may enter into contracts on behalf of the state to carry out the purposes of this chapter; and it or they may act for the state in the initiation of or participation in any multigovernmental program relative to transportation planning or programming; and it or they may enter into contracts to receive federal or other funds, grants, or gifts to carry out said purposes and to be used in preference to or in combination with state funds. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

**Sec. 119.** RCW 44.40.140 and 1983 c 212 s 2 are each amended to read as follows:

Prior to the start of each regular legislative session in an odd-numbered year, the legislative transportation accountability committee shall review the policy of the state concerning fees imposed on nonpolluting fuels under RCW 82.38.075, and shall report its findings and recommendations for change, if any, to the legislature.

**Sec. 120.** RCW 44.40.150 and 1998 c 245 s 88 are each amended to read as follows:

(1) The legislative transportation accountability committee shall undertake a study and develop recommendations for legislative and executive consideration that will:

- (a) Increase the efficiency and effectiveness of state transportation programs and reduce costs;
- (b) Enhance the accountability and organizational soundness of all transportation modes;
- (c) Encourage better communication between local jurisdictions and the department of transportation in developing engineering plans and subsequent construction projects;
- (d) Encourage private sector support and financial participation in project development and construction of transportation projects;
- (e) Develop long-range goals that reflect changing technology and state-of-the-art advancements in transportation;
- (f) Explore alternatives for the establishment of an integrated and balanced multimodal statewide transportation system to meet the needs of the 21st century; and

(g) Explore ways to reduce the demand on the transportation system and more effectively use the existing system.

The committee may study other transportation needs and problems and make further recommendations.

(2) The office of financial management and the department of transportation shall provide staff support as required by the legislative transportation accountability committee in developing the recommendations. To the extent permitted by law, all agencies of the state shall cooperate fully with the legislative transportation accountability committee in carrying out its duties under this section.

(3) The legislative transportation accountability committee may receive and expend gifts, grants, and endowments from private sector sources to carry out the purpose of this section.

## PART II - LICENSE FEES

**Sec. 201.** RCW 46.16.0621 and 2000 1st sp.s. c 1 s 1 are each amended to read as follows:

(1) License tab fees shall be thirty dollars per year for motor vehicles, regardless of year, value, make, or model, beginning January 1, 2000.

(2) For the purposes of this section, "license tab fees" are defined as the general fees paid annually for licensing motor vehicles, including cars, sport utility vehicles, and motorcycles(~~(-and motor homes)~~).

**NEW SECTION. Sec. 202.** A new section is added to chapter 46.04 RCW to read as follows:

"Gross weight portion of the current combined licensing fees" means the amounts listed in RCW 46.16.070, Schedule A, less twenty-five dollars and seventy-five cents, and the amounts listed in Schedule B, less twenty-five dollars and seventy-five cents and less an additional ninety dollars if the requested gross weight is over forty thousand pounds.

**Sec. 203.** RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to ~~((the excise tax prescribed in chapter 82.44 RCW and))~~ the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, motor home, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight ~~((thereof pursuant to the provisions of))~~ under chapter 46.44 RCW, the following licensing fees by such gross weight:

DECLARED A SCHEDULE B	GROSS	WEIGHT SCHEDULE
4,000 lbs.	\$ 37.00	\$ 37.00
6,000 lbs.	\$ 44.00	\$ 44.00
8,000 lbs.	\$ 55.00	\$ 55.00
10,000 lbs.	\$ 62.00	\$ 62.00
12,000 lbs.	\$ 72.00	\$ 72.00
14,000 lbs.	\$ 82.00	\$ 82.00
16,000 lbs.	\$ 92.00	\$ 92.00
18,000 lbs.	\$ 137.00	\$ 137.00
20,000 lbs.	\$ 152.00	\$ 152.00
22,000 lbs.	\$ 164.00	\$ 164.00
24,000 lbs.	\$ 177.00	\$ 177.00
26,000 lbs.	\$ 187.00	\$ 187.00
28,000 lbs.	\$ 220.00	\$ 220.00
30,000 lbs.	\$ 253.00	\$ 253.00
32,000 lbs.	\$ 304.00	\$ 304.00
34,000 lbs.	\$ 323.00	\$ 323.00
36,000 lbs.	\$ 350.00	\$ 350.00
38,000 lbs.	\$ 384.00	\$ 384.00
40,000 lbs.	\$ 439.00	\$ 439.00

42,000 lbs.	\$ 456.00	\$ 546.00
44,000 lbs.	\$ 466.00	\$ 556.00
46,000 lbs.	\$ 501.00	\$ 591.00
48,000 lbs.	\$ 522.00	\$ 612.00
50,000 lbs.	\$ 566.00	\$ 656.00
52,000 lbs.	\$ 595.00	\$ 685.00
54,000 lbs.	\$ 642.00	\$ 732.00
56,000 lbs.	\$ 677.00	\$ 767.00
58,000 lbs.	\$ 704.00	\$ 794.00
60,000 lbs.	\$ 750.00	\$ 840.00
62,000 lbs.	\$ 804.00	\$ 894.00
64,000 lbs.	\$ 822.00	\$ 912.00
66,000 lbs.	\$ 915.00	\$ 1,005.00
68,000 lbs.	\$ 954.00	\$ 1,044.00
70,000 lbs.	\$ 1,027.00	\$ 1,117.00
72,000 lbs.	\$ 1,098.00	\$ 1,188.00
74,000 lbs.	\$ 1,193.00	\$ 1,283.00
76,000 lbs.	\$ 1,289.00	\$ 1,379.00
78,000 lbs.	\$ 1,407.00	\$ 1,497.00
80,000 lbs.	\$ 1,518.00	\$ 1,608.00
82,000 lbs.	\$ 1,623.00	\$ 1,713.00
84,000 lbs.	\$ 1,728.00	\$ 1,818.00
86,000 lbs.	\$ 1,833.00	\$ 1,923.00
88,000 lbs.	\$ 1,938.00	\$ 2,028.00
90,000 lbs.	\$ 2,043.00	\$ 2,133.00
92,000 lbs.	\$ 2,148.00	\$ 2,238.00
94,000 lbs.	\$ 2,253.00	\$ 2,343.00
96,000 lbs.	\$ 2,358.00	\$ 2,448.00
98,000 lbs.	\$ 2,463.00	\$ 2,553.00
100,000 lbs.	\$ 2,568.00	\$ 2,658.00
102,000 lbs.	\$ 2,673.00	\$ 2,763.00
104,000 lbs.	\$ 2,778.00	\$ 2,868.00
105,500 lbs.	\$ 2,883.00	\$ 2,973.00

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(2) Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

(3)(a) Beginning with all motor vehicle registrations that are due or become due on July 1, 2002, there will be paid and collected annually a fifteen percent surcharge on the gross weight portion of the combined licensing fees in effect January 1, 2002, for vehicles with a licensed gross weight over ten thousand pounds.

(b) Beginning with all motor vehicle registrations that are due or become due on July 1, 2003, and thereafter, there will be paid and collected annually a thirty percent surcharge on the gross weight portion of the combined licensing fees in effect January 1, 2002, for vehicles with a licensed gross weight over ten thousand pounds.

(4) The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

~~((2))~~ (5) The proceeds from the fees collected under ~~(subsection (1) of)~~ this section shall be distributed in accordance with RCW 46.68.035.

**Sec. 204.** RCW 46.68.035 and 2000 2nd sp.s. c 4 s 8 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The proceeds from the surcharge collected under RCW 46.16.070(3) must be deposited into the motor vehicle account.

(3) All fees collected under RCW 46.16.070(1) for motor homes, less the distribution required under subsection (1) of this section, must be deposited into the motor vehicle account.

(4) The remainder shall be distributed as follows:

(a) 23.677 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) 1.521 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; and

(c) The remaining proceeds shall be deposited into the motor vehicle fund.

**Sec. 205.** RCW 46.16.071 and 1996 c 315 s 4 are each amended to read as follows:

(1) In addition to the fees set forth in RCW 46.16.070, there shall be paid and collected annually upon registration, a fee of one dollar for each motor home, truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, notwithstanding the provisions of RCW 46.16.070.

(2) In addition to the fees set forth in RCW 46.16.085, there shall be paid and collected annually upon registration, a fee of one dollar for each trailer, semitrailer, and pole trailer, notwithstanding the provisions of RCW 46.16.085.

(3) The proceeds from the fees collected under subsections (1) and (2) of this section shall be deposited into the highway safety fund, except that for each vehicle registered by a county auditor or agent to a county auditor under RCW 46.01.140, the proceeds shall be credited to the current county expense fund.

NEW SECTION. **Sec. 206.** A new section is added to chapter 46.68 RCW to read as follows:

The freight mobility account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for the purpose of roadway improvement projects to facilitate freight movement.

### PART III - FUEL TAX

**Sec. 301.** RCW 82.36.025 and 1999 c 269 s 16 and 1999 c 94 s 29 are each reenacted and amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon (~~shall apply~~) applies to the sale, distribution, or use of motor vehicle fuel.

(2) Beginning July 1, 2002, an additional and cumulative motor fuel tax rate of five cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(3) Beginning July 1, 2003, an additional and cumulative motor vehicle fuel tax rate of four cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

**Sec. 302.** RCW 82.38.030 and 2001 c 270 s 6 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate (~~computed in the manner provided in RCW 82.36.025 on each~~) of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning July 1, 2002, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(3) Beginning July 1, 2003, an additional and cumulative special fuel tax rate of four cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(4) The tax is imposed (~~by subsection (1) of this section is imposed~~) when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee;

or  
(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(h) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer-terminal system.

~~((3))~~ (5) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.

**Sec. 303.** RCW 46.68.090 and 1999 c 269 s 2 and 1999 c 94 s 6 are each reenacted and amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in (~~the proportions set forth in (c) through (f))~~ accordance with subsections (2), (3), and (4) of this (subsection) section.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly(~~);~~).

(2) All of the remaining net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a) through (j) of this subsection.

~~((e))~~ (a) For distribution to the motor vehicle fund an amount equal to 44.387 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) to be expended for highway purposes of the state as defined in RCW 46.68.130;

~~((d))~~ (b) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

(i) Accident experience;

(ii) Fatal accident experience;

(iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection (~~((+d))~~) (2)(b);

~~((e))~~ (c) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1);

~~((f))~~ (d) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1);

~~((g))~~ (e) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1);

~~((h))~~ (f) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) and expended in accordance with RCW 47.26.086;

~~((h))~~ (g) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) in accordance with RCW 46.68.110;

~~((h))~~ (h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1): (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

~~((h))~~ (i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1). These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

~~((h))~~ (j) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent of the net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) and expended in accordance with RCW 36.79.020.

~~((2))~~ (3) 100 percent of the net tax amount collected under RCW 82.36.025(2) and 82.38.030(2) shall be distributed as follows:

(a) 4.3366 percent shall be distributed to cities and towns in accordance with RCW 46.68.110(6).

(b) 4.3366 percent shall be distributed to counties in accordance with RCW 46.68.120.

(c) 91.3268 percent shall be distributed to the motor vehicle account.

(4) 100 percent of the net tax amount collected under RCW 82.36.025(3) and 82.38.030(3) shall be distributed to the motor vehicle account.

(5) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

**Sec. 304.** RCW 46.68.110 and 1999 c 269 s 3 and 1999 c 94 s 9 are each reenacted and amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in RCW 46.68.090(~~((+))~~) shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums distributed under RCW 46.68.090 (2)(g) and (3) shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds distributed under RCW 46.68.090 (2)(g) and (3) shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as such funds accrue, to be deposited in the urban arterial trust account, to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program as of July 1st of each odd-numbered year thereafter, shall be provided within sixty days to the treasurer and distributed in the manner prescribed in subsection (5) of this section;

(4) After making the deductions under subsections (1) through (3) of this section and RCW 35.76.050, 31.86 percent of the fuel tax distributed to the cities and towns in RCW 46.68.090(~~((+))~~) (2)(g) shall be allocated monthly as the funds accrue to the incorporated cities and towns ~~((in the manner set forth in subsection (5) of this section and subject to deductions in subsections (1), (2), and (3) of this section, subject to RCW 35.76.050, to))~~ of the state ratably on the basis of the population as last determined by the office of financial management. Funds shall be used exclusively for: The construction, improvement, chip sealing, seal-coating, and repair for arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; the maintenance of arterial highways and city streets for those cities with a population of less than fifteen thousand; or the payment of any municipal indebtedness which may be incurred in the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets; ~~((and))~~

(5) The ~~((balance))~~ remaining ~~((to the credit of incorporated cities and towns after such deduction))~~ funds not distributed under subsection (4) of this section shall be apportioned monthly as such funds accrue among the ~~((several))~~ incorporated cities and towns within the state ratably on the basis of the population last determined by the office of financial management; and

(6) After making the deductions under subsections (1) and (2) of this section and RCW 35.76.050, one hundred percent of the funds distributed to the cities and towns in RCW 46.68.090(3)(a) shall be allocated monthly as such funds accrue to the incorporated cities and towns of the state with populations over ten thousand persons, ratably on the basis of population as last determined by the office of financial management.

**NEW SECTION. Sec. 305.** A new section is added to chapter 47.26 RCW to read as follows:

As part of the matching funds requirements under RCW 47.26.270, the transportation improvement board shall require a city or town receiving funds under RCW 46.68.110(6) to use a portion of these funds, as determined by the board by rule, for the purpose of matching a portion of the corridor grant money allocated to the city or town by the board under this chapter.

**Sec. 306.** RCW 82.38.035 and 2001 c 270 s 7 are each amended to read as follows:

(1) A licensed supplier shall remit tax on special fuel to the department as provided in RCW 82.38.030(~~((2))~~) (4)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall remit the tax.

(2) A refiner shall remit tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030(~~((2))~~) (4)(b).

(4)(c). (3) An importer shall remit tax to the department on special fuel imported into this state as provided in RCW 82.38.030(~~((2))~~)

(4)(e). (4) A blender shall remit tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030(~~((2))~~)

(4)(f). (5) A dyed special fuel user shall remit tax to the department on the use of dyed special fuel as provided in RCW 82.38.030(~~((2))~~)

**Sec. 307.** RCW 82.38.045 and 1998 c 176 s 54 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030(~~((+))~~) if, at the time of removal:

(1) The position holder with respect to the special fuel is a person other than the terminal operator and is not a licensee;

(2) The terminal operator is not a licensee;

(3) The position holder has an expired internal revenue service notification certificate issued under chapter 26, C.F.R. Part 48; or

(4) The terminal operator had reason to believe that information on the notification certificate was false.

**Sec. 308.** RCW 82.38.047 and 1998 c 176 s 55 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030(~~((4))~~) if, in connection with the removal of special fuel that is not dyed or marked in accordance with internal revenue service requirements, the terminal operator provides a person with a bill of lading, shipping paper, or similar document indicating that the special fuel is dyed or marked in accordance with internal revenue service requirements.

**Sec. 309.** RCW 82.38.075 and 1983 c 212 s 1 are each amended to read as follows:

In order to encourage the use of nonpolluting fuels, an annual license fee in lieu of the tax imposed by RCW 82.38.030 shall be imposed upon the use of natural gas as defined in this chapter or on liquified petroleum gas, commonly called propane, which is used in any motor vehicle, as defined in RCW 46.04.320, which shall be based upon the following schedule as adjusted by the formula set out below:

VEHICLE TONNAGE (GVW) FEE	
0 - 6,000	\$ 45
6,001 - 10,000	\$ 45
10,001 - 18,000	\$ 80
18,001 - 28,000	\$110
28,001 - 36,000	\$150
36,001 and above	\$250

To determine the actual annual license fee imposed by this section for a registration year, the appropriate dollar amount set out in the above schedule shall be multiplied by the ~~((motor vehicle))~~ special fuel tax rate in cents per gallon as established by RCW ~~((82.36.025))~~ 82.38.030 effective on July 1st of the preceding calendar year and the product thereof shall be divided by 12 cents.

The department of licensing, in addition to the foregoing fee, shall charge a further fee of five dollars as a handling charge for each license issued.

The director of licensing shall be authorized to prorate the vehicle tonnage fee so that the annual license required by this section will correspond with the staggered vehicle licensing system.

A decal or other identifying device issued upon payment of these annual fees shall be displayed as prescribed by the department as authority to purchase this fuel.

Persons selling or dispensing natural gas or propane may not sell or dispense this fuel for their own use or the use of others into tanks of vehicles powered by this fuel which do not display a valid decal or other identifying device as provided in this section.

Vehicles registered in jurisdictions outside the state of Washington are exempt from this section.

Any person selling or dispensing natural gas or propane into the tank of a motor vehicle powered by this fuel, except as prescribed in this chapter, is subject to the penalty provisions of this chapter.

**Sec. 310.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, ~~((1990))~~ 2001, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

- (i) Not more than five percent may be expended for information programs under this chapter;
- (ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;
- (iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;
- (iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;
- (v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The expenditures in this subsection (1)(d) shall be calculated on the motor vehicle fuel tax in effect January 1, 1990, until this subsection (1)(d) is amended to reflect the findings of the recreational fuel use study provided in section 346, chapter 8, Laws of 2001 2nd sp. sess. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

**Sec. 311.** RCW 46.10.170 and 1994 c 262 s 4 are each amended to read as follows:

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile, the number of registered snowmobiles during the calendar year under determination, and the fuel tax rate in effect January 1, ~~((1990))~~ 2001.

**Sec. 312.** RCW 79A.25.070 and 2000 c 11 s 73 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. The director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 79A.25.030, shall request the state treasurer to transfer monthly from the marine fuel tax refund account an amount equal to the proportion of the moneys in the account representing the motor vehicle fuel tax rate under RCW 82.36.025 in effect on January 1, ~~((1990))~~ 2001, to the recreation resource account and the remainder to the motor vehicle fund.

## PART IV - SALES AND USE TAXES

**Sec. 401.** RCW 82.08.020 and 2000 2nd sp.s. c 4 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning July 1, 2002, there is levied and collected an additional tax of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(5) The revenue collected under subsection (3) of this section must be deposited into the multimodal transportation account under RCW 47.66.070.

(6) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

~~((4))~~ (7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

**Sec. 402.** RCW 82.12.020 and 1999 c 358 s 9 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer: (a) Any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7); or (b) any canned software, regardless of the method of delivery, but excluding canned software that is either provided free of charge or is provided for temporary use in viewing information, or both.

(2) This tax shall apply to the use of every service defined as a retail sale in RCW 82.04.050(3)(a) and the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.

(3) Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property or service of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or service from the taxes imposed by such chapters.

(4) The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rates in effect for the retail sales tax under RCW 82.08.020.

**Sec. 403.** RCW 82.12.045 and 1996 c 149 s 19 are each amended to read as follows:

(1) In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances:

(a) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer;

(b) Where the application is for the renewal of registration;

(c) Where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or

(d) Where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by ~~(him)~~ the applicant on the vehicle in question.

(2) The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses.

(3) It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon ~~(his)~~ the application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor.

(4) Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as ~~(his)~~ a collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

(5) Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he or she has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050(3). Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

(6) The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

(7) The use tax revenue collected on the rate provided in RCW 82.08.020(3) will be deposited in the multimodal transportation account under RCW 47.66.070.

**NEW SECTION. Sec. 404.** A new section is added to chapter 43.135 RCW to read as follows:

A transfer from the general fund to the multimodal transportation account under section 405 of this act for taxes collected under chapters 82.08 and 82.12 RCW on new construction projects within the improvement program in RCW 47.05.030(2), does not require a corresponding lowering of the state expenditure limit to reflect this shift for purposes of RCW 43.135.035(4).

**NEW SECTION. Sec. 405.** A new section is added to chapter 82.32 RCW to read as follows:

(1) Effective for taxes collected in fiscal year 2006, the tax imposed and collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on construction projects within the improvement program in RCW 47.05.030(2), except for those projects related to safety and environmental retrofit, shall be transferred from the general fund to the multimodal transportation account once each year as described by subsection (3) of this section.

(2) This transaction is exempt from the requirements in RCW 43.135.035(4).

(3) Government entities conducting construction projects within the improvement program in RCW 47.05.030(2), except for those projects related to safety and environmental retrofit, shall report to the department by August 1st of each year the amount of state sales or use

tax attributable to the projects identified in this section from the previous fiscal year for purposes of transfer to the multimodal transportation account. The department shall notify the state treasurer of the amount of the transfer by September 30th of each year.

#### PART V - MISCELLANEOUS

NEW SECTION. Sec. 501. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 502. Part headings used in this act do not constitute any part of the law."

#### MOTION

Senator Benton moved that the following amendment by Senators Haugen, Benton, Zarelli and Johnson to the striking amendment by Senators Haugen, Jacobsen, McDonald, Horn, Benton and Gardner be adopted:

On page 29, after line 24, insert the following: "NEW SECTION. Sec. 503. NULL AND VOID. This act is null and void if a transportation expenditure bill based on the revenue provided in this act does not become law by December 31, 2002."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen, Benton, Zarelli and Johnson on page 29, after line 24, to the striking amendment by Senators Haugen, Jacobsen, McDonald, Horn, Benton and Gardner to Engrossed Substitute House Bill NO. 2969.

The motion by Senator Benton carried and the amendment to the striking amendment was adopted.

#### MOTION

Senator Benton moved that the following amendment by Senators Benton, Hale, Johnson, Sheldon, T. Long, Roach, McCaslin, West, Swecker, Zarelli, Parlette, Rasmussen and Eide to the striking amendment by Senators Haugen, Jacobsen, McDonald, Horn, Benton and Gardner be adopted:

On page 29, after line 24, insert the following:

#### "PART VI - REFERENDUM

NEW SECTION. Sec.601. (1) The secretary of state shall submit this act, except for sections 102 through 120 to the people for their adoption and ratification, or rejection, at a special election to be held in this state on or before June 20, 2002, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation. The special election shall be limited to submission of this act to the people.

(2) If the people ratify this act, excluding sections 102 through 120, revenues generated shall be spent as detailed in a transportation appropriations act specifically making appropriations from this revenue, as enacted by the legislature.

(3) Pursuant to RCW 29.79.035 the statement of subject on the ballot title shall read: "The legislature has passed House Bill No. 2969, financing transportation improvements through transportation fees and taxes". The concise description on the ballot title shall read: "This bill would improve highway capacity, public transportation, passenger and freight rail, and transportation financing accountability through increased weight fees on trucks and large vehicles, fuel excise taxes, and sales tax on vehicles".

(4) The attorney general shall prepare the explanatory statement required by RCW 29.81.250 and transmit that statement regarding the referendum to the secretary of state no later than the last Monday of April before the special election.

(5) The secretary of state shall prepare and distribute a voters' pamphlet addressing this referendum measure following the procedures and requirements of chapter 29.81 RCW, except that the secretary of state may establish different deadlines for the appointment of committees to draft arguments for and against the referendum, for submitting arguments for and against the referendum, and for submitting rebuttal statements of arguments for and against the referendum.

(6) A county auditor may conduct the voting at this special election in all precincts of the county by mail using the procedures set forth in chapter 29.36 RCW.

(7) Notwithstanding the provisions of RCW 29.62.020, the county canvassing board in each county shall canvass and certify the votes cast at this special election in that county to the secretary of state no later than the seventh day following the election. Notwithstanding the provisions of RCW 29.62.120, the secretary of state shall canvass and certify the returns from the counties no later than the ninth day following the special election.

(8) The secretary of state shall reimburse each county for the cost of conducting the special election in that county in the same manner as state primary and general election costs are reimbursed under RCW 29.13.047 (1) and (3).

NEW SECTION. Sec. 602. If House Bill No. 2969, as enacted by the legislature, is not ratified by the voters by June 20, 2002 sections 102 through 120 of this act are null and void.

NEW SECTION. Sec. 603. Section 601 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Renumber the sections consecutively and correct any internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Benton, Hale, Johnson, Sheldon, T., Long, Roach, McCaslin, West, Swecker, Zarelli, Parlette, Rasmussen and Eide to the striking amendment by Senators Haugen, Jacobsen, McDonald, Horn, Benton and Gardner to Engrossed Substitute House Bill No. 2969.

The motion by Senator Benton failed and the amendment to the striking amendment was not adopted.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Haugen, Jacobsen, McDonald, Horn, Benton and Gardner, as amended, to Engrossed Substitute House Bill No. 2969.

The motion by Senator Haugen carried and the striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 44.40.010, 44.40.013, 44.40.015, 44.40.020, 44.40.025, 44.40.030, 44.40.040, 44.40.070, 44.40.090, 44.40.100, 44.40.140, 44.40.150, 46.16.0621, 46.16.070, 46.68.035, 46.16.071, 82.38.030, 82.38.035, 82.38.045, 82.38.047, 82.38.075, 46.09.170, 46.10.170, 79A.25.070, 82.08.020, 82.12.020, and 82.12.045; reenacting and amending RCW 82.36.025, 46.68.090, and 46.68.110; adding new sections to chapter 44.40 RCW; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 47.26 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.32 RCW; and creating a new section."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2969, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2969, as amended by the Senate.

Further debate ensued.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2969, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; Nays, 15; Absent, 0; Excused, 0.

Voting yea: Senators Brown, Carlson, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Horn, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDonald, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Shin, Snyder, Spanel, Swecker, Thibaudeau, West and Winsley - 34.

Voting nay: Senators Benton, Deccio, Hargrove, Hochstatter, Honeyford, Johnson, Long, McCaslin, Morton, Roach, Rossi, Sheahan, Sheldon, T., Stevens and Zarelli - 15.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2969, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6785, by Senators Brown, Poulsen, Rasmussen and Roach

Eliminating Washington estate taxes and estates with no federal tax liability

#### MOTION

On motion of Senator Brown, Substitute Senate Bill No. 6785 was substituted for Senate Bill No. 6785 and the substitute bill was placed on the second reading calendar and read the second time.

#### PARLIAMENTARY INQUIRY

Senator Sheahan: "A parliamentary inquiry, Mr. President. There is a striking amendment on the desk. Do we do the striking amendment first or do we do other the amendment?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Sheahan, you prefect and then you strike."

#### MOTION

Senator Tim Sheldon moved that the following amendment by Senators Rasmussen, and Tim Sheldon be adopted:

On page 3, after line 2, strike the remainder of the bill and insert the following:

"Sec. 2. RCW 83.100.020 and 2002 c -- s 1 (this act) are each amended to read as follows:

As used in this chapter:

(1) "Decedent" means a deceased individual;

(2) "Department" means the department of revenue, the director of that department, or any employee of the department exercising authority lawfully delegated to him by the director;

(3) "Federal credit" means: (a) For a transfer, the maximum amount of the credit for state taxes allowed by section 2011 of the Internal Revenue Code(~~as amended or renumbered as of January 1, 2001: PROVIDED, That the federal credit shall not exceed the amount of the tax imposed by section 2001 of the Internal Revenue Code, as amended or renumbered as of January 1, 2002, reduced by the amount of the unified credit provided by section 2010 of the Internal Revenue Code, as amended or renumbered as of January 1, 2002, and if no such tax is so imposed, the federal credit shall be zero~~); and (b) for a generation-skipping transfer, the maximum amount of the credit for state taxes allowed by section 2604 of the Internal Revenue Code;

(4) "Federal return" means any tax return required by chapter 11 or 13 of the Internal Revenue Code;

(5) "Federal tax" means (a) for a transfer, a tax under chapter 11 of the Internal Revenue Code; and (b) for a generation-skipping transfer, the tax under chapter 13 of the Internal Revenue Code;

(6) "Generation-skipping transfer" means a "generation-skipping transfer" as defined and used in section 2611 of the Internal Revenue Code;

(7) "Gross estate" means "gross estate" as defined and used in section 2031 of the Internal Revenue Code;

(8) "Nonresident" means a decedent who was domiciled outside Washington at his death;

(9) "Person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity and, to the extent permitted by law, any federal, state, or other governmental unit or subdivision or agency, department, or instrumentality thereof;

(10) "Person required to file the federal return" means any person required to file a return required by chapter 11 or 13 of the Internal Revenue Code, such as the personal representative of an estate; or a transferor, trustee, or beneficiary of a generation-skipping transfer; or a qualified heir with respect to qualified real property, as defined and used in section 2032A(c) of the Internal Revenue Code;

(11) "Property" means (a) for a transfer, property included in the gross estate; and (b) for a generation-skipping transfer, all real and personal property subject to the federal tax;

(12) "Resident" means a decedent who was domiciled in Washington at time of death;

(13) "Transfer" means "transfer" as used in section 2001 of the Internal Revenue Code, or a disposition or cessation of qualified use as defined and used in section 2032A(c) of the Internal Revenue Code;

(14) "Trust" means "trust" under Washington law and any arrangement described in section 2652 of the Internal Revenue Code; and

(15) "Internal Revenue Code" means, for the purposes of this chapter and RCW 83.110.010, the United States Internal Revenue Code of 1986, as amended or renumbered as of January 1, ~~((2002, except as otherwise provided in this chapter))~~ 2001.

**NEW SECTION. Sec. 2.** Section 1 of this act applies to decedents dying on or after January 1, 2002. Section 2 of this act applies to decedents dying on or after July 1, 2003.

**NEW SECTION. Sec. 4.** Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately and applies retroactively to January 1, 2002. Section 2 of this act takes effect July 1, 2003."

Debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senators Tim Sheldon and Rasmussen on page 3, line 2, to Substitute Senate Bill No. 6785,

The motion by Senator Tim Sheldon carried and the amendment was adopted.

## MOTION

Senator Sheahan moved that the following striking amendment by Senators Sheahan and Johnson be adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 11.02.005 and 2001 c 320 s 1 are each amended to read as follows:

When used in this title, unless otherwise required from the context:

(1) "Personal representative" includes executor, administrator, special administrator, and guardian or limited guardian and special representative.

(2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the deceased or the estate.

(3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of the deceased person's issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he or she survived the intestate. Posthumous children are considered as living at the death of their parent.

(4) "Issue" includes all the lawful lineal descendants of the ancestor and all lawfully adopted children.

(5) "Degree of kinship" means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on the decedent's death intestate.

(7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(8) "Will" means an instrument validly executed as required by RCW 11.12.020.

(9) "Codicil" means a will that modifies or partially revokes an existing earlier will. A codicil need not refer to or be attached to the earlier will.

(10) "Guardian" or "limited guardian" means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.

(11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(14) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which chapter 11.98 RCW applies.

(15) "Nonprobate asset" means those rights and interests of a person having beneficial ownership of an asset that pass on the person's death under a written instrument or arrangement other than the person's will. "Nonprobate asset" includes, but is not limited to, a right or interest passing under a joint tenancy with right of survivorship, joint bank account with right of survivorship, payable on death or trust bank account, transfer on death security or security account, deed or conveyance if possession has been postponed until the death of the person, trust of which the person is grantor and that becomes effective or irrevocable only upon the person's death, community property agreement, individual retirement account or bond, or note or other contract the payment or performance of which is affected by the death of the person. "Nonprobate asset" does not include: A payable-on-death provision of a life insurance policy, annuity, or other similar contract, or of an employee benefit plan; a right or interest passing by descent and distribution under chapter 11.04 RCW; a right or interest if, before death, the person has irrevocably transferred the right or interest, the person has waived the power to transfer it or, in the case of contractual arrangement, the person has waived the unilateral right to rescind or modify the arrangement; or a right or interest held by the person solely in a fiduciary capacity. For the definition of "nonprobate asset" relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, RCW 11.07.010(5) applies. For the definition of "nonprobate asset"

relating to revocation of a provision for a former spouse upon dissolution of marriage or declaration of invalidity of marriage, see RCW 11.07.010(5). For the definition of "nonprobate asset" relating to testamentary disposition of nonprobate assets, see RCW 11.11.010(7).

(16) "Internal Revenue Code" (~~means the United States Internal Revenue Code of 1986, as amended or renumbered as of January 1, 2004~~) is given the same meaning as provided in RCW 83.100.020.

(17) References to "section 2033A" of the Internal Revenue Code in wills, trust agreements, powers of appointment, beneficiary designations, and other instruments governed by or subject to this title shall be deemed to refer to the comparable or corresponding provisions of section 2057 of the Internal Revenue Code, as added by section 6006(b) of the Internal Revenue Service Restructuring Act of 1998 (H.R. 2676, P.L. 105-206); and references to the section 2033A "exclusion" shall be deemed to mean the section 2057 deduction.

Words that import the singular number may also be applied to the plural of persons and things.

Words importing the masculine gender only may be extended to females also.

**Sec. 2.** RCW 83.100.020 and 2001 c 320 s 15 are each amended to read as follows:

As used in this chapter:

(1) "Decedent" means a deceased individual;

(2) "Department" means the department of revenue, the director of that department, or any employee of the department exercising authority lawfully delegated to him by the director;

(3) "Federal credit" means (a) for a transfer, the maximum amount of the credit for state taxes allowed by section 2011 of the Internal Revenue Code; and (b) for a generation-skipping transfer, the maximum amount of the credit for state taxes allowed by section 2604 of the Internal Revenue Code;

(4) "Federal return" means any tax return required by chapter 11 or 13 of the Internal Revenue Code;

(5) "Federal tax" means (a) for a transfer, a tax under chapter 11 of the Internal Revenue Code; and (b) for a generation-skipping transfer, the tax under chapter 13 of the Internal Revenue Code;

(6) "Generation-skipping transfer" means a "generation-skipping transfer" as defined and used in section 2611 of the Internal Revenue Code;

(7) "Gross estate" means "gross estate" as defined and used in section 2031 of the Internal Revenue Code;

(8) "Nonresident" means a decedent who was domiciled outside Washington at his death;

(9) "Person" means any individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity and, to the extent permitted by law, any federal, state, or other governmental unit or subdivision or agency, department, or instrumentality thereof;

(10) "Person required to file the federal return" means any person required to file a return required by chapter 11 or 13 of the Internal Revenue Code, such as the personal representative of an estate; or a transferor, trustee, or beneficiary of a generation-skipping transfer; or a qualified heir with respect to qualified real property, as defined and used in section 2032A(c) of the Internal Revenue Code;

(11) "Property" means (a) for a transfer, property included in the gross estate; and (b) for a generation-skipping transfer, all real and personal property subject to the federal tax;

(12) "Resident" means a decedent who was domiciled in Washington at time of death;

(13) "Transfer" means "transfer" as used in section 2001 of the Internal Revenue Code, or a disposition or cessation of qualified use as defined and used in section 2032A(c) of the Internal Revenue Code;

(14) "Trust" means "trust" under Washington law and any arrangement described in section 2652 of the Internal Revenue Code; and

(15) "Internal Revenue Code" means, for the purposes of this chapter and RCW 83.110.010, the United States Internal Revenue Code of 1986, as amended or renumbered as of January 1, ~~(2004)~~ 2002.

**NEW SECTION. Sec. 3.** Sections 1 and 2 of this act apply retroactively to January 1, 2002."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Sheahan and Johnson to Substitute Senate Bill No. 6785.

Further debate ensued.

Senator Sheahan demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the adoption of the striking amendment by Senators Sheahan and Johnson to Substitute Senate Bill No. 6785.

#### ROLL CALL

The Secretary called the roll and the striking amendment was not adopted by the following vote: Yeas, 24; Nays, 25; Absent, 0; Excused, 0.

Voting yea: Senators Benton, Carlson, Deccio, Finkbeiner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Long, McCaslin, McDonald, Morton, Oke, Parlette, Roach, Rossi, Sheahan, Stevens, Swecker, West, Winsley and Zarelli - 24.

Voting nay: Senators Brown, Costa, Eide, Fairley, Franklin, Fraser, Gardner, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel and Thibaudeau, - 25.

#### PARLIAMENTARY INQUIRY

Senator Sheahan: "A parliamentary inquiry, Mr. President. I would ask for a ruling on whether Substitute Senate Bill No. 6785 is properly before the body? It is not on the cutoff resolution and I would suggest that it is not necessary to implement the budget."

#### MOTIONS

On motion of Senator Betti Sheldon, further consideration of Substitute Senate Bill No. 6785 was deferred.

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

EDITOR'S NOTE: Substitute Senate Bill No. 6785 was not considered again and no ruling was made.

INTRODUCTION AND FIRST READING

SB 6842 By Senator Jacobsen

Increasing the sales and use tax temporarily.

Referred to Committee on Ways and Means.

SB 6843 By Senator Roach

Allowing nonprofit organizations to operate state parks that close due to lack of funding.

Referred to Committee on Natural Resources, Parks and Shorelines.

MOTION

At 3:56 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 7:34 p.m. by President Owen.

MOTION

On motion of Senator Betti Sheldon, the Senate reverted to the third order of business.

MESSAGE FROM THE GOVERNOR

March 14, 2002

TO THE HONORABLE, THE SENATE AND HOUSE OF REPRESENTATIVES  
OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

In compliance with the provision of Section II of Article III of the Constitution of the state of Washington, the Governor hereby submits his report of each case of reprieve, commutation or pardon that he has granted since the adjournment of the 2001 Third Special Session of the 57th Legislature, copy of which is attached.

Respectfully submitted,  
EVERETT H. BILLINGSLEA, General Counsel

**CONDITIONAL COMMUTATION**  
**For**  
**MICHELL MARIE CAREY**

To All To Whom These Presents Shall Come, Greetings:

WHEREAS, on July 25, 1991, Michell Marie Carey, then age 20, and two of her roommates, Glen Manning and Robert Mansfield, had dinner with Janet Plueard at the home of James and Janet Plueard in the City of Renton, King County. The Plueards had been having marital difficulties, and for some time Janet Plueard had openly expressed that she wished her husband were dead, or would like to have him killed. Ms. Carey and her friends left the Plueard house at approximately 8:30 p.m., shortly after James Plueard arrived home. Later that night the three friends drove to a location about five minutes' walk from the Plueard house. Glen Manning, Ms. Carey's then-boyfriend, walked to the Plueard house and, using a .22 caliber pistol, executed James Plueard while he lay in his bed. He then returned to the truck, and Ms. Carey drove them all back home. Glen Manning had acquired the gun and ammunition some time earlier, and premeditated the murder. Later, Ms. Carey helped dispose of the gun.

WHEREAS, the three were charged with first degree murder and tried. However, the jury was hung as to the charge against Ms. Carey. It was not entirely clear how much Ms. Carey knew about Glen Manning's intent when he left the truck before the murder. It was apparent that in 1991 Ms. Carey was a needy and immature woman who would go to great lengths to feel accepted. This crime was the sole criminal offense in her life. In consideration of those issues and the totality of the circumstances, the King County Prosecutor offered, and Ms. Carey accepted a plea agreement to second-degree murder, as an accomplice after the fact. Ms. Carey was sentenced by King County Superior Court Judge Ricardo S. Martinez to ten years and three months in prison, followed by two years of community supervision.

WHEREAS, Ms. Carey began serving her term on September 23, 1993, with credit for serving 27 days of confinement prior to sentencing. She remains incarcerated at Tacoma Pre-Release facility and has an earned release date of May 3, 2002. Ms. Carey has maintained an excellent record while incarcerated. She has not committed any major infractions of facility rules and has successfully completed several rehabilitation and job skills programs. She is currently employed as a clerk for the Corrections Clearing House at the Tacoma Pre-Release facility. She had developed excellent secretarial skills. She was married to her current husband in 1995 while incarcerated.

WHEREAS, Ms. Carey receives significant support from her family, both in Washington and Oregon. Her 86 year old grandfather, Ralph Train, lives alone in southern Oregon and will require in-home assistance to remain living at home. Her 81 year old grandmother, Marita Train, resides in adult foster care in Oregon recovering from strokes. The Clemency and Pardons Board was advised by Ms. Train's medical professionals that she may soon be able to return home if Ms. Carey is available to provide full-time in-home care. The Department of Corrections believes that the responsibility of providing in-home care to her aging grandparents would be an excellent opportunity for Ms. Carey to transition back into society and continue to learn responsibility while she serves out her two years of community supervision. The state of Oregon has provisionally agreed to accept Ms. Carey pending completion of a formal interstate compact. Given these circumstances, the King County Prosecutor supports this humanitarian act.

WHEREAS, the Washington State Clemency and Pardons Board was convinced that Ms. Carey is deserving of an act of grace that will also benefit her aging grandparents, and has unanimously recommended that this action be taken.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, and in light of the circumstances I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, grant to Michell Marie Carey this Conditional Commutation, commute her sentence to a term of community custody not to exceed that imposed by the sentencing court (twenty-four months), and direct the Department of Corrections to promptly release her from prison, SUBJECT TO THE FOLLOWING CONDITIONS:

Ms. Carey shall:

1. Report to and be available for contact with the assigned community corrections officer as directed;
2. Work at Department of Corrections-approved education, employment, and/or community service;
3. Not consume controlled substances except pursuant to lawfully issued prescriptions;
4. While in community custody not unlawfully possess controlled substances;
5. Pay community placement fees as determined by the Department of Corrections;
6. Remain in residence at her grandparents' home in Oregon and in the geographic area identified by the Oregon Department of Corrections;
7. Notify both the Washington Department of Corrections and the Oregon Department of Corrections regarding any change in her living situation;
8. Comply with all conditions, requirements, and instructions of community placement as directed by her community corrections officer and with all other applicable conditions imposed by the sentencing court; and
9. Not receive, possess, own, ship or transport firearms. This Conditional Commutation does not restore, and shall not under any circumstances be construed to restore, any civil rights related to firearms, and shall not remove any disability related to firearms under any state or federal law.

Violation of any of the above conditions shall result in sanctions conforming to the Department of Corrections Violations Sanction Grid for community custody. PROVIDED, that in the event Ms. Carey commits any offense classified as a felony or gross misdemeanor under Washington law, this Conditional Commutation shall automatically and immediately expire, and shall be null and void as if it had never been granted, and the sentence imposed by the court reinstated without benefit of sentence reduction credit, whereupon Ms. Carey shall be immediately returned to the Washington Corrections Center for Women or such other facility as the Secretary of Corrections deems appropriate. The Department of Corrections shall provide a written report to the Clemency and Pardons Board regarding the violation of any condition of this Conditional Commutation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at

Olympia on this 20th day of December, A.D., two thousand one.

SEAL GARY LOCKE

Governor of Washington

BY THE GOVERNOR:

SAM REED  
Secretary of State

**FULL AND UNCONDITIONAL PARDON  
OF  
FERNANDO GUZMAN FLORES**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Fernando Guzman Flores (INS #A90 718 197) is a 33 year old citizen of Mexico who has lived in the United States since he was age 14. He came to the United States in 1984 to join his father working as a migrant laborer. The family settled in Kennewick. In August 1988, some acquaintances brought two girls to stay at his house for several days. A consensual sexual relationship developed between Mr. Guzman Flores and one of the girls, who turned out to be a minor. Mr. Guzman Flores was not aware that she was a minor until he saw a poster in a store and learned that the girls had run away from home. He immediately contacted the police and the girls were returned home. After an investigation, Mr. Guzman Flores was charged and pled guilty in Franklin County Superior Court to 2nd degree Rape of a Child, a class B felony. At sentencing, the prosecutor told the court that Mr. Guzman Flores had been "completely and totally honest," that he did not believe that Mr. Guzman Flores knew his conduct was illegal, and that Mr. Guzman Flores was very protective of the victim and cooperated with the investigation, even though he knew his statements were against his own interests. The prosecutor then recommended that the court impose an exceptionally light sentence. Before sentencing him to 90 days of work release, the court found that Mr. Guzman Flores had no predisposition to commit the crime, was induced by others to participate, and "manifested an extreme caution or sincere concern for the safety or well-being of the victims." This is the sole criminal offense in Mr. Guzman Flores' life.

WHEREAS, on June 7, 2000, the United States Immigration and Naturalization Service issued an order to exclude Mr. Guzman Flores from the United States and return him to Mexico for having committed a crime of moral turpitude. That order is being appealed. Additionally, once admitted to the United States, Mr. Guzman Flores would be classified as an "aggravated felon" only due to the passage on September 30, 1996 of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Under that act, the immigration laws were changed with retroactive effect to include Mr. Guzman Flores' crime. Under the laws in place at the time that Mr. Guzman Flores entered his guilty plea, the definition of "aggravated felon" did not apply to him. Pursuant to 8 U.S.C. Section 1251(a), a full and unconditional pardon is the only avenue of relief that will allow Mr. Guzman Flores to continue his life in the United States.

WHEREAS, in 1989, Mr. Guzman Flores was married, and now has four young daughters who depend on him for support. His wife is a U.S. citizen, and the family has a happy and stable home life. He is a productive member of society, having built a successful landscaping and construction business. Mr. Guzman Flores and his wife provide a nurturing and loving home for their daughters who are excelling. Many members of the community, including former employers, teachers and a principal of the schools attended by his daughters have actively supported Mr. Guzman Flores' request for a pardon, and have attested to his personal and family virtues. Mr. Guzman Flores and his family are active members of their church, community and extended family. Mr. Guzman Flores' and his wife's extended families also reside in the area.

WHEREAS, the Clemency and Pardons Board was convinced that deporting Mr. Guzman Flores would destroy a loving family, create immense hardship, and would constitute punishment far beyond what the criminal law contemplates for his crime. Further, deportation would serve no purpose other than to destroy hope and opportunity for this man and his family.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and the purpose for Mr. Guzman Flores' request, and in light of the circumstances of the crime and all other factors, I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Fernando Guzman Flores this Full and Unconditional Pardon for the express purpose of allowing him to obtain a deportation waiver and lawfully remain in the United States. This Full and Unconditional Pardon does not restore any right to receive, possess, own, ship or transport firearms, and shall not under any circumstances be construed to remove any disability related to firearms under any state or federal law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia on this 7th day of February, A.D., two thousand two.

SEAL GARY LOCKE

BY THE GOVERNOR:

SAM REED  
Secretary of State

**FULL AND UNCONDITIONAL PARDON  
OF  
JOSE CARLOS CRUZ-MELENDZ**

To All to Whom These Presents Shall Come, Greetings:

WHEREAS, Jose Carlos Cruz-Melendez (INS # A90 344 238), a citizen of El Salvador, fled civil war in his home country at age 16, and arrived in the state of Washington in 1982. He was granted lawful permanent resident status on December 1, 1990. Mr. Cruz-Melendez worked for several years as a migrant farm worker, and eventually settled in Wenatchee. There he saw an opportunity to open a business providing hot meals to farm workers. He opened his first mobile food service van in the late 1980's. In 1991 or 1992, Mr. Cruz-Melendez met Renee Arceo at local community dances. In August 1993, approximately one month before Ms. Arceo's 16th birthday, the two had consensual sex at a motel in the Leavenworth area. Ms. Arceo had a troubled family life, and at that time she and a friend had run away from a group home. The local police became aware of the events several days later when Ms. Arceo was returned to a juvenile center. The police questioned Mr. Cruz-Melendez. He was "shocked" to learn her true age. He freely admitted the facts, was charged, and pled guilty in Chelan County Superior Court to Communicating with a Minor for Immoral Purposes (a gross misdemeanor) and 3rd degree Rape of a Child. Mr. Cruz-Melendez was sentenced to 120 days of work release, 36 months of community supervision, and ordered to attend outpatient sex offender treatment for 24 months and to have no contact with Ms. Arceo. He successfully completed all aspects of his sentence. This is the sole criminal offense of his life.

WHEREAS, on January 4, 1999 the United States Immigration and Naturalization Service issued an order to deport Mr. Cruz-Melendez to El Salvador for having committed an aggravated felony. On January 18, 2001 the United States District Court issued a temporary restraining order staying Mr. Cruz-Melendez's deportation pending a review by the court.

Categorizing Mr. Cruz-Melendez as an "aggravated felon" was made possible only due to the passage on September 30, 1996 of the federal Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Under that act, the immigration laws were changed with retroactive effect to include Mr. Cruz-Melendez's crime. Under the laws in place at the time that Mr. Cruz-Melendez entered his guilty plea, the definition of "aggravated felon" did not apply to him. Moreover, the new federal act precludes Mr. Cruz-Melendez from filing any waivers for relief and eliminates appeal to the federal courts. Pursuant to 8 U.S.C. Section 1251(a), a full and unconditional pardon is the only avenue of relief that will allow Mr. Cruz-Melendez to continue his life in the United States.

WHEREAS, Mr. Cruz-Melendez is now 35 years old and is happily married with three children, and has become a pillar of the community. Together with his brother, Mr. Cruz-Melendez has expanded his food business to include five trucks and a full-service restaurant. He employs several family members and non-family as well. Mr. Cruz-Melendez is a highly respected businessman and community leader, active in many community causes. He has sponsored a youth soccer team, has been recognized for supporting Health Kids Day and many other community improvement efforts, and has been the subject of local newspaper coverage for his positive contributions to the community. A broad variety of local business people and other members of the community overwhelmingly supported Mr. Cruz-Melendez's petition for clemency. In short, Mr. Cruz-Melendez's success embodies the "American dream." His deportation would destroy his family, his children's lives, his business, and accomplish no positive ends.

WHEREAS, Renee Arceo, now a married 23-year-old woman with two children of her own, completed high school and two years of college and is a receptionist at an insurance company. Ms. Arceo provided a written statement and testified before the Clemency and Pardons Board that her relationship with Mr. Cruz-Melendez did not harm her emotionally or physically. Her parents were heavy drug users whose parental rights had been terminated. She was a rebellious youth who turned to Mr. Cruz-Melendez for support and stability during their friendship.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the unanimous favorable recommendation of the Washington State Clemency and Pardons Board, including the chairman's emphatic statement that this case "cries out" for relief, and the purpose for Mr. Cruz-Melendez's request, and in light of the circumstances of the crime and all other factors, I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Jose Carlos Cruz-Melendez this Full and Unconditional Pardon for the express purpose of allowing him to obtain a deportation waiver and lawfully remain in the United States. This Full and Unconditional Pardon does not restore or provide any right to receive, possess, own, ship or transport firearms, and shall not under any circumstances be construed to remove any disability related to firearms under any state or federal law.

IN WITNESS WHEREOF, I have hereunto set my hand and

caused the seal of the State of Washington to be affixed at  
Olympia on this 7th day of February, A.D., two thousand two.

SEAL GARY LOCKE

Governor of Washington

BY THE GOVERNOR:

SAM REED  
Secretary of State

**CONDITIONAL PARDON  
For  
LEAH ELIZABETH SILAEV**

To All To Whom These Presents Shall Come, Greetings:

WHEREAS, on August 8, 1988, Leah Elizabeth Silaev (formerly McConnell) was 20 years of age, and had been in a mentally and physically abusive relationship with a man for approximately 18 months. After several attempts to end the relationship, Ms. Silaev moved from Vancouver to Seattle in an effort to distance herself from the man and permanently end the relationship. Unfortunately, Ms. Silaev reentered the relationship, which quickly escalated to physical abuse. On August 8, 1988, Ms. Silaev had been drinking and was also on medication when a physical fight broke out. She used a .25 caliber handgun to frighten the man. Police were summoned, and she was arrested. Ms. Silaev took responsibility for her actions and pled guilty to third degree assault in Clark County Superior Court on November 9, 1988. She was sentenced to 22 days of community service, and was given credit for eight days served in jail before sentencing. This is the sole criminal offense of her life.

WHEREAS, Ms. Silaev is now 35 years of age, is happily married with a young daughter, and has been a law-abiding citizen for many years. Following in the footsteps of her family, her career path has involved her in care giving. She has a long employment history in the field of assisted care, serving adults and children with special needs. Employment in that field often requires a criminal history check. Without a pardon, it has become increasingly difficult for Ms. Silaev to honestly apply for and maintain employment in her profession. She has requested a pardon for the purpose of removing her conviction as an impediment to employment.

WHEREAS, I have reviewed all pertinent facts and circumstances surrounding this matter, the favorable recommendation of the Washington State Clemency and Pardons Board, and the purpose for Ms. Silaev's request, and in light of the circumstances of the crime and Ms. Silaev's life since the crime, I have determined that the best interests of justice will be served by this action;

NOW, THEREFORE, I, Gary Locke, by virtue of the power vested in me as Governor of the State of Washington, hereby grant to Leah Elizabeth Silaev this Conditional Pardon,

SUBJECT TO THE CONDITION that:

She shall not receive, possess, own, ship or transport firearms. This Conditional Pardon does not restore, and shall not under any circumstances be construed to restore, any civil rights related to firearms, and shall not remove any disability related to firearms under any state or federal law.

The conditions of this Conditional Pardon shall remain in force indefinitely. Upon breach of any of the foregoing conditions, this Conditional Pardon shall automatically and immediately expire, and shall be null and void as if it had never been granted.

IN WITNESS WHEREOF, I have hereunto set my hand and  
caused the seal of the State of Washington to be affixed at  
Olympia on this 7th day of February, A.D., two thousand two.

SEAL GARY LOCKE

Governor of Washington

BY THE GOVERNOR:

SAM REED  
Secretary of State

MESSAGE FROM THE GOVERNOR

March 14, 2002

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON  
Ladies and Gentlemen:

I have the honor to advise you that on March 14, 2002, Governor Locke approved the following Senate Bills entitled:

Senate Bill No. 6425

Relating to authorizing access to school meal programs and kitchen facilities.

Senate Bill No. 6430

Relating to high school diplomas for World War II veterans.

Engrossed Senate Bill No. 6456

Relating to authorizing the academic achievement and accountability commission to set performance improvement goals for certain disaggregated groups of students and dropout goals.

Senate Bill No. 6460

Relating to funding local government research services.

Senate Bill No. 6469

Relating to information concerning mental health services provided to offenders.

Engrossed Senate Bill No. 6505

Relating to local improvement districts.

Engrossed Substitute Senate Bill No. 6535

Relating to the chemical dependency disposition alternative.

Substitute Senate Bill No. 6572

Relating to conservation district supervisors.

Senate Bill No. 6578

Relating to leases for personal wireless communication facilities.

Senate Bill No. 6587

Relating to eye banks.

Substitute Senate Bill No. 6597

Relating to alternative public works contracting procedures.

Substitute Senate Bill No. 6602

Relating to extortion in the second degree.

Senate Bill No. 6624

Relating to well construction.

Substitute Senate Bill No. 6629

Relating to a family law handbook.

Senate Bill No. 6664

Relating to the department of corrections' authority to require offenders eligible for release to community custody status in lieu of earned release to propose a release plan that complies with the department's program for placing offender in the community.

Senate Bill No. 6691

Relating to authorizing less-than-countywide port districts with five commissioners with three commissioner districts and two at large commissioner districts to create five port commissioner districts.

Engrossed Substitute Senate Bill No. 6702

Relating to protecting siblings relationships.

Senate Bill No. 6740

Relating to irrigation districts' acceptance of methods of payment.

Senate Bill No. 6788  
Relating to benefits for dependent parents of homicide victims.

Senate Bill No. 6798  
Relating to street vacations.

Sincerely,  
EVERETT H. BILLINGSLEA., General Counsel

MESSAGE FROM THE SECRETARY OF STATE

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

Dear President Owen:

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

SENATE BILL NO. 6471

IN TESTIMONY WHEREOF, I have hereunto set my hand and  
affixed the seal of the State of Washington this 14th day of  
March, 2002.

SEAL

SAM S. REED

Secretary of State

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

March 14, 2002

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

I am returning herewith, without my approval as to subsection 3, Senate Bill No. 6471 entitled:  
"AN ACT Relating to labeling of agricultural products by place of origin;"

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

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

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

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

Respectfully submitted,  
GARY LOCKE, Governor

MOTION

On motion of Senator Betti Sheldon, the partial veto message on Senate Bill No. 6471 was held on the desk.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6140.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6387.  
SENATE BILL NO. 6591.

SIGNED BY THE PRESIDENT

The President signed:  
THIRD SUBSTITUTE SENATE BILL NO. 5514.

MOTION

On motion of Senator Betti Sheldon, the Senate advanced to the fourth order of business.

MESSAGES FROM THE HOUSE

March 14, 2002

MR. PRESIDENT:

The House has passed SECOND SUBSTITUTE HOUSE BILL NO. 1646 , and the same is herewith transmitted.  
CYNTHIA ZEHNDER, Chief Clerk

March 14 , 2002

MR. PRESIDENT:

The House has passed SUBSTITUTE HOUSE CURRENT RESOLUTION NO. 4411, and the same is herewith transmitted.  
CYNTHIA ZEHNDER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 1646 By House Committee on Education (originally sponsored by Representatives Schmidt, Haigh, Talcott, Keiser, Cox, Schual-Berke, Anderson, Pearson, Quall, Santos, Rockefeller, McDermott, Schindler, Conway, Bush, Dunn and Campbell)

Including the Washington national guard youth challenge program as an alternative educational service provider.

SHCR 4411 By House Committee on Capital Budge (originally sponsored by Representatives Murray and Alexander)

Creating the joint select committee on school construction funding.

Referred to Committee on Natural Resources, Parks and Shorelines.

MOTION

On motion of Senator Betti Sheldon,, the rules were suspended, and Second Substitute House Bill No. 1646 and Substitute House Bill No. 4411 were advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9148, Martin Smith, as a member of the K-20 Educational Network Board, was confirmed.

Senators Kohl-Welles and Finkbeiner spoke to the confirmation of Martin Smith as a member of the K-20 Education Network Board

APPOINTMENT OF MARTIN SMITH

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 4; Excused, 0.

Voting yea: Senators Benton, Brown, Carlson, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Costa, Kline, McCaslin and Snyder - 4.

PERSONAL PRIVILEGE

Senator Carlson: "A point of personal privilege, Mr. President. I would like to note that this is the sixtieth day of the session. Just so you might be aware--this is the sixtieth tie in sixty days. I am glad that we are not going to sixty-one."

MOTION

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

MOTIONS

On motion of Senator Eide, Senator Kline was excused.

On motion of Senator Hewitt, Senator McCaslin was excused.

MESSAGE FROM THE HOUSE

March 11, 2002

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to SUBSTITUTE HOUSE BILL NO. 2807 and asks Senate to recede therefrom, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTIONS

On motion of Senator Kohl-Welles, the Senate receded from its amendment(s) to Substitute House Bill No. 2807.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2807 was returned to second reading and read the second time.

MOTION

Senator Kohl-Welles moved that the following striking amendment by Senators Kohl-Welles, Jacobsen, Carlson, Shin, Finkbeiner and Sheahan be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature intends to strengthen the link between postsecondary education and K-12 education by creating the Washington promise scholarship program for academically successful high school graduates from low and middle-income families. The legislature finds that, increasingly, an individual's economic viability is contingent on postsecondary educational opportunities, yet the state's full financial obligation is eliminated after the twelfth grade. Students who work hard in kindergarten through twelfth grade and successfully complete high school with high academic marks may not have the financial ability to attend college because they cannot obtain financial aid or the financial aid is insufficient.

**NEW SECTION. Sec. 2.** The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW and students participating in home-based instruction as provided in chapter 28A.200 RCW who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) Beginning with the graduating class of 2002, students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top fifteen percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, and students participating in home-based instruction as provided in chapter 28A.200 RCW must equal or exceed a cumulative scholastic assessment test I score of twelve hundred on their first attempt or must equal or exceed a composite American college test score of twenty-seven on their first attempt.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.80.806 when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

(8) The scholarships may not be awarded to any student who is pursuing a degree in theology.

(9) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

(10) The higher education coordinating board shall establish the time frame within which the student must use the scholarship.

**NEW SECTION. Sec. 3.** The higher education coordinating board, with the assistance of the office of the superintendent of public instruction, shall implement and administer the Washington promise scholarship program described in section 2 of this act as follows:

(1) The first scholarships shall be awarded to eligible students enrolling in postsecondary education in the 2002-03 academic year.

(2) The office of the superintendent of public instruction shall provide information to the higher education coordinating board that is necessary for implementation of the program. The higher education coordinating board and the office of the superintendent of public instruction shall jointly establish a timeline and procedures necessary for accurate and timely data reporting.

(a) For students meeting the academic eligibility criteria as provided in section 2(1)(a) of this act, the office of the superintendent of public instruction shall provide the higher education coordinating board with student names, addresses, birth dates, and unique numeric identifiers.

(b) Public and approved private high schools under chapter 28A.195 RCW shall provide requested information necessary for implementation of the program to the office of the superintendent of public instruction within the established timeline.

(c) All student data is confidential and may be used solely for the purposes of providing scholarships to eligible students.

(3) The higher education coordinating board may adopt rules to implement this chapter.

**NEW SECTION. Sec. 4.** The Washington promise scholarship program shall not be funded at the expense of the state need grant program as defined in RCW 28B.10.800 through 28B.10.824. In administering the state need grant and promise scholarship programs, the higher education coordinating

board shall first ensure that eligibility for state need grant recipients is at least fifty-five percent of state median family income.

**NEW SECTION. Sec. 5.** This chapter shall not be construed to change current state requirements for students who received home-based instruction under chapter 28A.200 RCW.

**NEW SECTION. Sec. 6.** (1) The Washington promise scholarship account is created in the custody of the state treasurer. The account shall be a nontreasury account retaining its interest earnings in accordance with RCW 43.79A.040.

(2) The higher education coordinating board shall deposit in the account all money received for the program. The account shall be self-sustaining and consist of funds appropriated by the legislature for the Washington promise scholarship program, private contributions to the program, and refunds of Washington promise scholarships.

(3) Expenditures from the account shall be used for scholarships to eligible students.

(4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.

(5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(6) Disbursements from the account shall be made only on the authorization of the higher education coordinating board.

**Sec. 7.** RCW 43.79A.040 and 2001 c 201 s 4 and 2001 c 184 s 4 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the basic health plan self-insurance reserve account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, and the children's trust fund. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Debate ensued.

The President declared the question before the Senate to be the adoption of the striking amendment(s) by Senators Kohl-Welles, Jacobsen, Carlson, Shin, Finkbeiner and Sheahan to Substitute House Bill No. 2807.

The motion by Senator Kohl,-Welles carried and the striking amendment was adopted.

#### MOTIONS

On motion of Senator Kohl-Welles, the following title amendment was adopted.

On page 1, line 1 of the title, after "scholarships;" strike the remainder of the title and insert "reenacting and amending RCW 43.79A.040; adding a new chapter to Title 28B RCW; and declaring an emergency."

On motion of Senator Kohl-Welles, the rules were suspended, Substitute House Bill No. 2807, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2807, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2807, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 2; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senators Hargrove and Haugen - 2.

Excused: Senators Kline and McCaslin - 2.

SUBSTITUTE HOUSE BILL NO. 2807, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### PERSONAL PRIVILEGE

Senator Snyder: "A personal privilege, Mr. President. I thought I would get away from the rigors of this place and I went out and I had so much fun, I not only had one, but I had two root canals while I was gone. The medication hasn't worn off, but I feel a hell of a lot better now than when I left here, I can tell you that."

#### MOTIONS

On motion of Senator Eide, Senator Hargrove was excused.

On motion of Senator Hewitt, Senator Rossi was excused.

#### MESSAGE FROM THE HOUSE

March 14, 2002

MR. PRESIDENT:

The House has passed SENATE BILL NO. 6818 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. For the purpose of providing funds for the construction, reconstruction, planning, design, and other necessary costs of the various facilities defined in chapter . . . (Senate Bill No. 6396), Laws of 2002, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighty-nine million seven hundred thousand dollars, or

as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

**NEW SECTION. Sec. 2.** (1) The proceeds from the sale of the bonds authorized in section 1 of this act shall be deposited in the state building construction account created by RCW 43.83.020, with eighty-seven million five hundred thousand dollars to remain in the state building construction account created by RCW 43.83.020. If the state finance committee deems it necessary to issue the bonds authorized in section 1 of this act as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds, the proceeds of such additional taxable bonds shall be transferred to the state taxable building construction account in lieu of any transfer otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such additional transfer to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation.

(2) These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

**NEW SECTION. Sec. 3.** (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 1 of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 1 of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 1 of this act the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

**NEW SECTION. Sec. 4.** (1) Bonds issued under section 1 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

**NEW SECTION. Sec. 5.** The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and sections 2 and 3 of this act shall not be deemed to provide an exclusive method for the payment.

**NEW SECTION. Sec. 6.** The bonds authorized in section 1 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

**Sec. 7.** RCW 39.42.060 and 2001 2nd sp. s. c 9 s 18 are each amended to read as follows:

No bonds, notes, or other evidences of indebtedness for borrowed money shall be issued by the state which will cause the aggregate debt contracted by the state to exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than seven percent of the arithmetic mean of its general state revenues, as defined in ((section 1(c) of Article VIII of the Washington state Constitution)) RCW 39.42.070, for the three immediately preceding fiscal years as certified by the treasurer in accordance with RCW 39.42.070. It shall be the duty of the state finance committee to compute annually the amount required to pay principal of and interest on outstanding debt. In making such computation, the state finance committee shall include all borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be paid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, and shall include debt incurred pursuant to section 3 of Article VIII of the Washington state Constitution, but shall exclude the following:

- (1) Obligations for the payment of current expenses of state government;
- (2) Indebtedness incurred pursuant to RCW 39.42.080 or 39.42.090;
- (3) Principal of and interest on bond anticipation notes;
- (4) Any indebtedness which has been refunded;
- (5) Financing contracts entered into under chapter 39.94 RCW;
- (6) Indebtedness authorized or incurred before July 1, 1993, pursuant to statute which requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from money other than general state revenues or from the special excise tax imposed pursuant to chapter 67.40 RCW;
- (7) Indebtedness authorized and incurred after July 1, 1993, pursuant to statute that requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from (a) moneys outside the state treasury, except higher education operating fees, (b) higher education building fees, (c) indirect costs recovered from federal grants and contracts, and (d) fees and charges associated with hospitals operated or managed by institutions of higher education;
- (8) Any agreement, promissory note, or other instrument entered into by the state finance committee under RCW 39.42.030 in connection with its acquisition of bond insurance, letters of credit, or other credit support instruments for the purpose of guaranteeing the payment or enhancing the marketability, or both, of any state bonds, notes, or other evidence of indebtedness;
- (9) Indebtedness incurred for the purposes identified in RCW 43.99N.020;
- (10) Indebtedness incurred for the purposes of the school district bond guaranty established by chapter 39.98 RCW;
- (11) Indebtedness incurred for the purposes of replacing the waterproof membrane over the east plaza garage and revising related landscaping construction pursuant to RCW 43.99Q.070; and
- (12) Indebtedness incurred for the purposes of the state legislative building rehabilitation, to the extent that principal and interest payments of such indebtedness are paid from the capitol building construction account pursuant to RCW 43.99Q.140(2)(b).

To the extent necessary because of the constitutional or statutory debt limitation, priorities with respect to the issuance or guaranteeing of bonds, notes, or other evidences of indebtedness by the state shall be determined by the state finance committee.

**Sec. 8.** RCW 39.42.070 and 1971 ex. s. c 184 s 7 are each amended to read as follows:

(1) On or after the effective date of this act, the treasurer shall compute general state revenues for the three fiscal years immediately preceding such date and shall determine the arithmetic mean thereof. As soon as is practicable after the close of each fiscal year thereafter, he or she shall do likewise. In determining the amount of general state revenues, the treasurer shall include all state money received in the treasury from each and every source whatsoever except: ((+)) (a) Fees and revenues derived from the ownership or operation of any undertaking, facility or project; ((2)) (b) moneys received as gifts, grants, donations, aid or assistance or otherwise from the United States or any department, bureau or corporation thereof, or any person, firm or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; ((3)) (c) moneys to be paid into and received from retirement system funds, and performance bonds and deposits; ((4)) (d) moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; ((5)) (e) proceeds received from the sale of bonds or other evidences of indebtedness. Upon computing general state revenues, the treasurer shall make and file in the office of the secretary of state, a certificate containing the

results of such computations. Copies of said certificate shall be sent to each elected official of the state and each member of the legislature. The treasurer shall, at the same time, advise each elected official and each member of the legislature of the current available debt capacity of the state, and may make estimated projections for one or more years concerning debt capacity.

(2) For purposes of this chapter, general state revenues shall also include revenues that are deposited in the general fund under RCW 82.45.180(2) and lottery revenues as provided in RCW 67.70.240(3).

**NEW SECTION. Sec. 9.** Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW.

**NEW SECTION. Sec. 10.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 11.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

#### MOTION

On motion of Senator Zarelli, the Senate concurred in the House amendment to Senate Bill No. 6818.

The President declared the question before the Senate to be the roll call on the final passage of Senate Bill No 6818, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6818, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; Nays, 1; Absent, 1; Excused, 4.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Regala, Roach, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Voting nay: Senator Eide - 1.

Absent: Senator Rasmussen - 1.

Excused: Senators Hargrove, Kline, McCaslin and Rossi - 4.

SENATE BILL NO. 6818, as amended by the House, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 14, 2002

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6396 with the following amendment(s):

Strike everything after the enacting clause and insert the following:

#### **"PART 1 SUPPLEMENTAL CAPITAL BUDGET**

**NEW SECTION. Sec. 101.** A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts herein specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period ending June 30, 2003, out of the several funds specified in this act.

**Sec. 102.** 2001 2nd sp.s. c 8 s 111 (uncodified) is amended to read as follows:

#### **FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Community Services Facilities Program (02-4-007)**

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the provisions of RCW 43.63A.125. The following projects are eligible for funding:

#### Projects Recommendation

YMCA of Grays Harbor, Aberdeen \$300,000  
Community Youth Services, Olympia \$300,000  
Skagit County Community Action, Concrete \$300,000  
Kindering Center, Bellevue \$300,000  
Bellevue Family YMCA, Bellevue \$300,000  
Refugee Women's Alliance, Seattle \$300,000  
YWCA of Walla Walla, Walla Walla \$300,000  
Pierce County Alliance (facility), Tacoma \$61,000  
Compass Health, Everett \$300,000  
Mid-City Concerns, Spokane \$28,000  
Children's Home Society, Vaughn \$70,000  
Children's Home society, Spokane \$238,000  
Catholic Family/Child Services, Yakima \$152,000  
Korean Women's Association, Tacoma \$218,000  
Factory Small Biz Incubator, Tacoma \$300,000  
Lao Highland Association of King County, Seattle \$119,000  
First Place, Seattle \$300,000

NE Washington Rural Resources, Colville \$300,000  
Filipino Community Center, Seattle \$200,000  
Filipino Community Center, Wapato \$25,000

((Subtotal \$4,411,000

Alternate Projects))

Nooksack Community Aid Society, Deming \$165,000  
Childhaven, Seattle \$149,000

((Subtotal \$314,000))

Total \$4,725,000

(2) \$200,000 of the appropriation in this section for the Filipino Community Center in Seattle shall be matched by \$200,000 in additional contributions toward the project from local government.

Appropriation:

State Building Construction Account--State \$ ((4,411,000)) 4,725,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 16,000,000  
TOTAL \$ ((20,411,000))

20,725,000

**Sec. 103.** 2001 2nd sp.s. c 8 s 117 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Housing Assistance, Weatherization, and Affordable Housing (02-4-010)

The appropriations in this section are subject to the following conditions and limitations:

(1) At least \$9,000,000 of the new appropriation from the state taxable building construction account is provided solely for weatherization administered through the energy matchmakers program.

(2) \$5,000,000 of the new appropriation from the state taxable building construction account is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.

(3) \$2,000,000 of the appropriation from the state taxable building construction account is provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.

(4) \$1,000,000 of the new appropriation from the state taxable building construction account is provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.

(5) Reappropriations in this section shall not be included in the annual funds available for determining the administrative costs authorized under RCW 43.185.050.

Appropriation:

State Taxable Building Construction Account--  
State \$ 60,000,000  
Washington Housing Trust Account \$ 5,000,000  
Subtotal Appropriation \$ 65,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 200,000,000  
TOTAL \$ 265,000,000

**Sec. 104.** 2001 2nd sp.s. c 8 s 118 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Burke Museum ((Governance and Siting)) Expansion Study (00-2-012)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided for a study of the ((governance of the Burke museum and for an examination of the)) potential expansion of the museum facility including siting issues. The study shall be facilitated by the department in consultation with the University of Washington ((the department of community, trade, and economic development's tourism and economic development units, the executive director of the Washington state historical society, the city of Seattle, King county, and members of the community and businesses from various geographic regions of the state)) and other interested public agencies and community groups. The department shall provide a report to the legislature by June 30, ((2002)) 2003, outlining ((funding)) strategies for an expanded state natural history museum that recognizes ((the)) limited state resources ((for capital facilities programmatic enhancements, and outlines)) and alternative funding resources and partners.

(2) A maximum of \$150,000 from the appropriation in this section may be used for the preservation, storage, and presentation of museum collections or for matching other funding sources for the preservation, storage, and presentation of museum collections.

(3) The reappropriation in this section is subject to the conditions and limitations of section 906(2)(b) of this act.

Reappropriation:

University of Washington Building  
Account--State \$ 350,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 350,000

**NEW SECTION. Sec. 105.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:  
**FOR THE DEPARTMENT OF COMMUNITY, TRADE, & ECONOMIC DEVELOPMENT**

Community Economic Revitalization (CERB)(03-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation from the public facility construction loan revolving account shall be used solely to provide loans to eligible local governments. The department shall ensure that all principal and interest payments from loans made on moneys from this account are paid into this account.

(2) If chapter . . . (House Bill No. 2425), Laws of 2002 is not enacted by June 30, 2002, the appropriation in this section shall lapse.

Appropriation:

Public Facility Construction Loan Revolving  
Account--State \$ 3,656,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,656,000

**Sec. 106.** 2001 2nd sp.s. c 8 s 173 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Office Building Two Rehabilitation (98-1-007)

Reappropriation:

Thurston County Capital Facilities Account--  
State \$ 2,000,000

Appropriation:

Thurston County Capital Facilities Account--  
State \$ ((5,850,000))

4,750,000

Prior Biennia (Expenditures) \$ 9,250,000  
Future Biennia (Projected Costs) \$ ((5,340,000))

6,410,000

TOTAL \$ 22,410,000

**NEW SECTION. Sec. 107.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Deschutes Parkway Repair (2002-S-009)

Appropriation:

State Building Construction Account--State \$ 850,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 850,000

**NEW SECTION. Sec. 108.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Capitol Campus Parking (03-2-001)

The appropriation in this section is subject to the following condition and limitation: The department shall designate parking spaces on the west capitol campus, except for public parking, as leased parking per WAC 236-12-290(1)(b)(ii).

Appropriation:

State Vehicle Parking Account--State \$ 531,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 531,000

**Sec. 109.** 2001 2nd sp.s. c 8 s 157 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Legislative Building: Rehabilitation (01-1-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

(2) The department of general administration, in consultation with the legislature, the governor, and the state capitol committee, shall immediately begin planning and initiate an accelerated design/construction schedule for the renovation of the state legislative building as follows:

(a) No new permanent buildings shall be constructed, and the department shall follow standards for historic preservation;

(b) The goal shall be to reoccupy the building in time for the 2005 legislative session;

(c) The department shall make temporary accommodations for the displacement of legislators and legislative staff in the John L. O'Brien building, the Pritchard building, the Cherberg building, and the Newhouse building, and may use modular space. Decisions on the use of space for the Pritchard building will be made by legislative leadership by July 1, 2001, to make it available for use by the legislature by April 1, 2002;

(d) The department shall temporarily move the state library from the Pritchard building by October 1, 2001, and, if needed, the department shall lease storage facilities in Thurston county for books and other library assets;

(e) The department shall make temporary accommodations for other tenants of the state legislative building as follows:

(i) The office of the insurance commissioner shall be temporarily moved to leased space in Thurston county;

(ii) The office of the governor shall be moved to the Insurance building;

(iii) The primary office of the code reviser and the lieutenant governor shall be moved to a location on the west capitol campus;

and

(iv) The other tenants, including the office of the state treasurer, the office of the state auditor, and the office of the secretary of state shall be moved to leased space in Thurston county;

(f) The state legislative building shall be completely vacated by the office of the governor, the office of the secretary of state, the office of treasurer, and the office of the state auditor by November 1, 2001, and by the legislature fourteen days after the end of the 2002 legislative session to make it available for renovation by the contractor; and

(g) State contracts for the legislative building renovation, Nisqually earthquake repair, and future earthquake mitigation shall conform to all rules, regulations, and requirements of the federal emergency management agency.

(3) The state capitol committee, in conjunction with a legislative building renovation oversight committee consisting of two members from both the house of representatives and senate, each appointed by legislative leadership, shall periodically advise the department regarding the rehabilitation, the receipt and use of private funds, and other issues that may arise.

(4) The department shall report on the progress of accelerated planning, design, and relocations related to the renovation of the state legislative building to the legislature and the governor by July 15, 2001, and November 15, 2001, and shall consult with the legislature and governor on major decisions including placement of the cafeteria and exiting stairs in the legislative building by August 31, 2001.

(5) In the event of any conflicts between the conditions and limitations in this section and section 3, chapter 123, Laws of 2001, the conditions and limitations of this section shall apply.

(6) \$154,000 of the capitol historic district construction account appropriation is provided solely for the department of general administration to contract for fund-raising services for the solicitation of charitable gifts, grants, or donations specifically for the purpose of preservation and restoration of the state legislative building and related educational exhibits and programs. By June 30, 2004, the amount provided by this subsection shall be reinvested to the capitol historic district construction account from the proceeds of the gifts, grants, and donations.

Reappropriation:

Capitol Building Construction Account--State \$ 2,000,000  
Thurston County Capital Facilities  
Account--State \$ 2,500,000  
Subtotal Reappropriation \$ 4,500,000

Appropriation:

Capitol Historic District Construction  
Account--State \$ 81,681,000  
Thurston County Capital Facilities  
Account--State \$ 1,300,000  
Subtotal Appropriation \$ 82,981,000

Prior Biennia (Expenditures) \$ 1,000,000  
Future Biennia (Projected Costs) \$ 2,300,000  
TOTAL \$ 90,781,000

**Sec. 110.** 2001 2nd sp.s. c 8 s 183 (uncodified) is amended to read as follows:

**FOR THE MILITARY DEPARTMENT**

Bremerton Readiness Center (02-2-004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

(2) No money shall be committed or expended from the state building construction account until the general fund--federal construction funds are received and allotted in accordance with section 903 of this act.

(3) In addition to the annual project progress reporting requirement of RCW 43.88.160(3), the department will file quarterly project progress reports with the office of financial management. These reports will contain local, state, and federal funding reconciliations and balance sheets for this project and will detail any federal intentions on future readiness center projects.

(4) Savings realized on the Yakima readiness center project (98-2-001) may be transferred to the Bremerton readiness center project.

Appropriation:

General Fund--Federal \$ 5,446,000  
State Building Construction  
Account--State \$ 6,377,000  
Subtotal Appropriation \$ ~~((10,174,000))~~ 11,823,000

Prior Biennia (Expenditures) \$ 1,000,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ ~~((11,174,000))~~ 12,823,000

**NEW SECTION. Sec. 111.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Western State Hospital - Power Plant Revisions and Smokestack Removal (03-1-012)

Appropriation:

State Building Construction Account--State \$ 1,080,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,080,000

**NEW SECTION. Sec. 112. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Regional Secure Community Transition Facilities - Preconstruction Activities (03-H-002)

The appropriation in this section is subject to the following conditions and limitations: If chapter . . . (Engrossed Substitute Senate Bill No. 6594), Laws of 2002 is not enacted by June 30, 2002, the appropriation in this section shall lapse.

Appropriation:

State Building Construction Account--State \$ 200,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 200,000

**Sec. 113.** 2001 2nd sp.s. c 8 s 257 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Expand Coyote Ridge Corrections Center (98-2-011)

The appropriation in this section is subject to the following conditions and limitations: To the extent that funding for the design of the expansion at Coyote Ridge corrections center is not necessary as a result of sentencing legislation passed during the 2002 legislative session, the department may expend up to \$264,000 on the predesign for the potential renovation or expansion of existing facilities to accommodate inmate population growth in higher custody levels.

Reappropriation:

State Building Construction Account--State \$ 447,348

Appropriation:

State Building Construction Account--  
State \$ ~~((1,150,000))~~

1,414,000

Prior Biennia (Expenditures) \$ 802,069  
Future Biennia (Projected Costs) \$ ~~((227,763,000))~~

227,499,000

TOTAL \$ 230,162,417

**Sec. 114.** 2001 2nd sp.s. c 8 s 270 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Monroe Corrections Center - 100 Bed Intensive Management and Segregation Units (00-2-008)

The appropriations in this section are subject to the conditions and limitations of sections 902 and 903 of this act.

Reappropriation:

State Building Construction Account--  
State \$ 40,665

Appropriation:

General Fund--Federal \$ ~~((48,162,205))~~

11,933,692

State Building Construction Account--  
State \$ ~~((2,521,795))~~

8,750,308

Subtotal Appropriation \$ 20,684,000

Prior Biennia (Expenditures) \$ 149,335  
Future Biennia (Projected Costs) \$ 17,727,000  
TOTAL \$ 38,601,000

**Sec. 115.** 2001 2nd sp.s. c 8 s 278 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Statewide: Department of Corrections Emergency Funds (02-1-028)

Appropriation:

Charitable, Educational, Penal, and Reformatory  
Institutions Account--State \$ 1,700,000

State Building Construction Account--  
State \$ 850,000

Subtotal Appropriation \$ 2,550,000

Prior Biennia (Expenditures) \$ 901,000  
Future Biennia (Projected Costs) \$ 7,800,000  
TOTAL \$ ~~((40,401,000))~~

11,251,000

**NEW SECTION. Sec. 116.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Coyote Ridge Corrections Center - 210 Emergency Beds (03-2-002)

The appropriation in this section is subject to the conditions and limitations of sections 902 and 903 of this act.

Appropriation:

State Building Construction Account--State \$ 3,394,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,394,000

**NEW SECTION. Sec. 117.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

McNeil Island Corrections Center (MICC): Water Tank Replacement (03-1-022)

Appropriation:

State Building Construction Account--State \$ 1,394,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,394,000

**NEW SECTION. Sec. 118.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:  
**FOR THE DEPARTMENT OF CORRECTIONS**  
McNeil Island Corrections Center (MICC): Fire Audit Requirements (03-2-001)

Appropriation:  
State Building Construction Account--State \$ 140,500

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 140,500

**Sec. 119.** 2001 2nd sp.s. c 8 s 303 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**

Local Toxics Grants to Locals for Cleanup and Prevention (88-2-008)

The appropriations in this section are subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for projects under contract on or before June 30, 2001. Reappropriated funds not associated with contracted projects shall lapse on June 30, 2001. The office of financial management may grant waivers from this lapse requirement for specific projects upon findings of exceptional circumstances after notification of the chairs of the house of representatives capital budget committee and senate ways and means committee.

(2) The department shall submit a report to the office of financial management and house of representatives capital budget committee and senate ways and means committee by December 1, 2001, listing all projects funded from this section.

(3) The department of ecology shall offer the port of Ridgefield a funding package totaling \$8,400,000 to conduct an emergency cleanup action on port-owned property. A portion of the appropriation in this section shall be combined with funds from the appropriation to the department from the state toxics control account in the omnibus operating budget for the 2001-2003 biennium to provide a funding package consisting of sixty-five percent grant and thirty-five percent loan. The terms of the loan shall provide for repayment by the port of Ridgefield commencing ten years from the effective date of this section and is contingent upon an independent financial audit conducted at the direction of the department to determine the port's ability to repay the loan. It is the intent of the legislature to support necessary action by the port of Ridgefield to protect public health and the environment without jeopardizing the port's financial standing.

Reappropriation:  
Local Toxics Control Account--State \$ 20,749,772

Appropriation:  
Local Toxics Control Account--State \$ ((50,000,000))

68,500,000

Prior Biennia (Expenditures) \$ 84,103,008  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ ((154,852,780))

173,352,780

**Sec. 120.** 2001 2nd sp.s. c 8 s 311 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**

Water Pollution Control Revolving Account (02-4-002)

Reappropriation:  
Water Pollution Control Revolving Account--  
Federal \$ 7,996,771

Appropriation:  
Water Pollution Control Revolving Account--  
State \$ ((113,835,792))

157,135,792

Water Pollution Control Revolving Account--  
Federal \$ 45,277,010  
Subtotal Appropriation \$ ((159,112,802))

202,412,802

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 467,108,040  
TOTAL \$ ((626,220,842))

677,517,613

**Sec. 121.** 2001 2nd sp.s. c 8 s 313 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF ECOLOGY**

Referendum 38 Water Supply Facilities (02-4-006)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000 of the appropriation is provided solely to study the development of the Lake Wenatchee water storage project.

(2) \$300,000 of the appropriation is provided solely to the department of ecology to develop a plan for restoration of stream flow and fish passage in Manastash creek, Kittitas county, through the conversion of surface water irrigation diversions to ground water withdrawals. If the plan determines that conversion of withdrawals from surface water to ground water would restore instream flow and provide benefits for fish, the department shall expedite processing of water right change applications to accomplish this conversion.

Appropriation:  
State and Local Improvements Revolving  
Account (Water Supply Facilities)--  
State \$ 6,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 12,000,000  
TOTAL \$ 18,000,000

**Sec. 122.** 2001 2nd sp.s. c 8 s 344 (uncodified) is amended to read as follows:  
**FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Boating Facilities Projects (02-4-001)

Appropriation:

Recreation Resources Account--State \$ ((8,318,013))

6,934,013

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 40,300,368  
TOTAL \$ ((48,618,381))

47,234,381

**Sec. 123.** 2001 2nd sp.s. c 8 s 346 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Nonhighway Road and Off-Road Vehicle Activities (NOVA) (02-4-002)

(1) The appropriation in this section for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(i) is subject to the following conditions and limitations: ~~((Fifty percent))~~ A portion of the new appropriation ((is provided solely)) may be used for grants to projects to research, develop, publish, and distribute informational guides and maps of nonhighway and off-road vehicle trails and associated facilities meeting the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(2) The appropriation in this section for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(ii) is subject to the following conditions and limitations: The portion of the new appropriation that applies to grants for capital facilities ~~((is provided solely))~~ may be used for grants to projects that meet the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act and do not compromise or impair sensitive natural resources. The portion of the new appropriation that applies to grants for management, maintenance, and operation of existing off-road vehicle recreation facilities may be used to bring the facilities into compliance with the requirements, guidelines, spirit, and intent of the federal Americans with disabilities act.

(3) The appropriation in this section for the nonhighway and off-road vehicle program under RCW 46.09.170(1)(d)(iii) is subject to the following conditions and limitations: (a) \$175,000 is provided solely for the interagency committee for outdoor recreation to contract with an independent entity to study the source and make recommendations on the distribution and use of funds provided to off-road vehicle and nonhighway road recreational activities under RCW 46.09.170. The study shall determine the relative portion of the motor vehicle fuel tax revenues that are attributable to vehicles operating off-road or on nonhighway roads for recreational purposes as provided in RCW 46.09.170. The study shall include the types of vehicles and location of their use, the types of recreational activities, the types of recreational facilities used, and the recreational use of forest roads relative to other, nonrecreational uses. The interagency committee for outdoor recreation shall review the analysis and submit a report to the standing committees of the legislature, including recommendations regarding amendments to RCW 46.09.170 to: ((a)) (i) Allocate revenues consistent with the relative proportion of the uses generating such revenues, and ((b)) (ii) ensure funding for existing off-road vehicle facilities operated by the state parks and recreation commission and local governments. The report shall be submitted no later than December 1, 2002. (b) Funds may be expended for nonhighway road recreation facilities which may include recreational trails that are accessed by nonhighway roads and are intended solely for nonmotorized recreational uses.

Appropriation:

NOVA Program Account--State \$ 5,527,551

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 23,559,218  
TOTAL \$ 29,086,769

**Sec. 124.** 2001 2nd sp.s. c 8 s 348 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Washington Wildlife and Recreation Program (02-4-003)

The appropriation in this section for the wildlife and recreation program under chapter 43.99A RCW and RCW 43.99A.040 is subject to the following conditions and limitations:

(1) The new appropriation is provided for the approved list of projects included in LEAP capital document No. 2001-24, as developed on June 7, 2001, and LEAP capital document No. 2002-21, as developed on March 12, 2002.

(2) The department of natural resources shall manage lands acquired through project No. 00-1427 "North Bay NAP" as a natural resources conservation area under chapter 79.71 RCW.

Appropriation:

Outdoor Recreation Account--State \$ 22,500,000  
Habitat Conservation Account--State \$ 22,500,000  
Subtotal Appropriation \$ 45,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 180,000,000  
TOTAL \$ 225,000,000

**Sec. 125.** 2001 2nd sp.s. c 8 s 350 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Land and Water Conservation Fund (LWCF) (02-4-005)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,500,000 of the recreation resources account--federal is appropriated for projects chosen by the interagency committee for outdoor recreation.

(2) By January 1, 2002, the interagency committee for outdoor recreation shall provide a report to the legislature that:

(a) Describes those projects funded subject to subsection (1) of this section; and

(b) Recommends legislation creating a competitive process for the selection of projects that will result in a list of projects to be submitted to the legislature for its approval.

Appropriation:

Recreation Resources Account--Federal \$ ((2,500,000))

7,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ ((2,500,000))

7,500,000

Sec. 126. 2001 2nd sp.s. c 8 s 354 (uncodified) is amended to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Salmon Recovery (02-4-007)

The appropriation in this section is subject to the following conditions and limitations:

(1) Activities funded through grants provided in this section shall be consistent with the salmon recovery funding board's goals, mission, and responsibilities.

(2) Jobs for the environment projects submitted by lead entities are eligible to receive funding, including wages for jobs for the environment participants.

(3) \$649,000 of the state building construction account--state appropriation is provided solely to the people for salmon partnership to coordinate and assist local, community-based salmon recovery efforts in Washington state. This funding shall be used to: (a) Match federal and private fund sources in order to design and implement not less than twenty on-the-ground projects with community-based restoration groups; (b) implement not less than twelve training workshops throughout the state on state monitoring protocols, project design and management, soliciting and retaining volunteers, and other technical topics related to salmon restoration and enhancement; (c) coordinate a minimum of three technical forums for information exchange between community-based organization staff; and (d) provide up to 1,500 hours of technical assistance to community-based organizations engaged in salmon restoration and enhancement, including direct consultations on utilizing limiting factors in project identification, obtaining necessary permits, and working with landowners. In addition, people for salmon must work with regional fisheries enhancement groups, conservation districts, landowners, tribes, and the business community to develop and sponsor a yearly volunteer expo in order to provide an educational exchange, workshops, and products fair for all organizations engaged in salmon restoration and enhancement and an annual statewide salmon day celebration to engage citizens, businesses, and schools in salmon recovery.

Appropriation:

General Fund--Federal \$ ((27,642,000))

48,642,000

State Building Construction Account--State \$ ((28,000,000))

27,000,000

Subtotal Appropriation \$ ((55,642,000))

75,642,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 264,000,000

TOTAL \$ ((318,189,000))

339,642,000

NEW SECTION. Sec. 127. A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

**FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION**

Firearms and Archery Range (FARR) Program (02-0-001)

Appropriation:

Firearms Range Account--State \$ 400,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 400,000

Sec. 128. 2001 2nd sp.s. c 8 s 387 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Hatchery Reform Facility Retrofits (02-1-001)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:

General Fund--Federal \$ ((40,000,000))

2,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 60,000,000

TOTAL \$ ((70,000,000))

62,000,000

NEW SECTION. Sec. 129. A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Deep Water Slough Restoration (98-2-021)

Appropriation:

General Fund--Federal \$ 155,800

State Building Construction Account--State \$ 407,000

Subtotal Appropriation \$ 562,800

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 562,800

Sec. 130. 2001 2nd sp.s. c 8 s 388 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Forest and Fish Road Upgrade and Abandonment on Agency Lands (02-1-003)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:  
 General Fund--Federal \$ ((1,900,000)) 200,000  
 State Building Construction Account--State \$ 500,000  
 Subtotal Appropriation \$ ((2,400,000)) 700,000

Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 11,600,000  
 TOTAL \$ ((14,000,000)) 12,300,000

**Sec. 131.** 2001 2nd sp.s. c 8 s 390 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Facility and Infrastructure Standards and Renovations (02-1-009)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.
- (2) \$305,000 of the appropriation in this section shall be used to replace or renovate the caretaker residence and construct pheasant rearing pens at the Lewis county game farm.
- (3) The department shall expend the \$300,000 wildlife account--state appropriation to construct a capture and acclimation pond at Grandy Creek.
- (4) \$871,000 of the state building construction account--state appropriation is provided solely for renovation and reconstruction of the Samish hatchery.

Appropriation:  
 General Fund--Federal \$ ((3,100,000)) 700,000  
 General Fund--Private/Local \$ ((1,500,000)) 350,000  
 Aquatic Lands Enhancement Account--State \$ 150,000  
 State Building Construction Account--State \$ 7,571,000  
 Wildlife Account--State \$ 300,000  
 Subtotal Appropriation \$ ((12,621,000)) 9,071,000

Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 46,420,000  
 TOTAL \$ ((58,741,000)) 55,491,000

**Sec. 132.** 2001 2nd sp.s. c 8 s 392 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Endangered Species Act Compliance on Agency Lands (02-2-002)

The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.

Appropriation:  
 General Fund--Federal \$ ((8,800,000)) 4,300,000  
 State Building Construction Account--State \$ 1,000,000  
 Subtotal Appropriation \$ ((9,800,000)) 5,300,000

Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 39,200,000  
 TOTAL \$ ((49,000,000)) 44,500,000

**NEW SECTION. Sec. 133.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Local and Regional Salmon Recovery Planning (03-H-001)

The water quality account--state appropriation is provided solely to fund grants to lead entities established under chapter 77.85 RCW or watershed planning units established under chapter 90.82 RCW that agree to coordinate the development of comprehensive local and regional salmon recovery plans.

Appropriation:  
 Water Quality Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 1,000,000

**Sec. 134.** 2001 2nd sp.s. c 8 s 416 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Land Bank (02-2-013)

Appropriation:  
 Resources Management Cost Account--State \$ ((4,000,000)) 10,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 18,000,000  
TOTAL \$ ((22,000,000))

28,000,000

**NEW SECTION. Sec. 135.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Natural Resources Real Property Replacement Program (03-2-001)

The appropriation in this section is subject to the following conditions and limitations: The department and trust beneficiaries shall study options for increasing revenues to the trust. The study shall include costs and benefits over time for replacing trust lands with various trust assets including depositing funds from land transfers and sales into the permanent funds. The department shall report on the study to the legislature by December 1, 2002.

Appropriation:

Natural Resources Real Property Replacement  
Account--State \$ 10,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 10,000,000

**Sec. 136.** 2001 2nd sp.s. c 8 s 427 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF NATURAL RESOURCES**

Larch Mountain Road Reconstruction (01-S-001)

The appropriation in this section is provided solely to reconstruct the Larch Mountain road to provide safe access to the Larch Mountain correction camp and department-managed state forest lands. Expenditure of the \$1,000,000 state building and construction account appropriation is contingent upon the department of natural resources utilizing the nonappropriated access road revolving fund to complete reconstruction of the Larch Mountain road. The expenditure of total state appropriated funds for this project shall not exceed \$1,000,000.

Appropriation:

Access Road Revolving Fund--Nonappropriated \$ ((3,000,000))

2,000,000

State Building Construction Account--State \$ 1,000,000  
Subtotal Appropriation \$ ((4,000,000))

3,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ ((4,000,000))

3,000,000

**Sec. 137.** 2001 2nd sp.s. c 8 s 505 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

Spokane Crime Laboratory - Design (02-2-013)

Appropriation:

State Building Construction Account--State \$ ((400,000))

635,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ ((7,950,000))

7,715,000

TOTAL \$ 8,350,000

**Sec. 138.** 2001 2nd sp.s. c 8 s 506 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL**

Vancouver Crime Laboratory - (~~Pre-design~~) Design (02-2-010)

Appropriation:

State Building Construction Account--State \$ ((130,000))

365,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ ((7,400,000))

7,165,000

TOTAL \$ 7,530,000

**Sec. 139.** 2001 2nd sp.s. c 8 s 602 (uncodified) is amended to read as follows:

**FOR THE STATE BOARD OF EDUCATION**

State School Construction Assistance Grants (02-4-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$200,000 from this appropriation is provided to fund up to two FTEs in the office of state fire marshal to exclusively review K-12 construction documents, provide on-site construction inspections, and final acceptance inspections for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review and inspection capabilities and that request such services.

(2) Of the fiscal year 2002 appropriation, \$80,000 is provided solely for skills centers study and survey.

(3) For state assistance grants starting July 1, 2001, for purposes of calculating square foot eligibility, kindergarten student headcount shall not be reduced by fifty percent.

(4) \$5,400,000 from this appropriation is provided for skills centers capital improvements. Skills centers shall submit a budget plan to the state board of education and the appropriate fiscal committees of the legislature for proposed expenditures and the proposed expenditures shall conform with state board of education rules and procedures for reimbursement of capital items. Funds not expended by June 30, 2003, shall lapse.

(5) ~~((a) \$30,530,000 of this appropriation is provided solely to enhance the state contribution as follows:~~

~~(i) For the state board to increase the eligible square feet allocation by 1.5 square feet for grades 1-12; and~~

~~(ii) For the state board to increase the area cost allowance by \$8 per square foot for grades K-12.~~

(b) If chapter . . . (House Bill No. 2173), Laws of 2001 2nd sp. sess. is not enacted by June 30, 2001, both the appropriation and the state board's authority to increase the eligible square feet and area cost allowance in this subsection (5) shall lapse) \$4,826,681 of this appropriation is provided solely for Blair elementary school in the Medical Lake school district due to its unique circumstances of being in a federal impact area and to obtain federal assistance.

Appropriation:

Common School Construction  
Account--State ((FY 2002) \$ 212,040,308  
~~Common School Construction~~  
Account--State (FY 2003) \$ 226,846,421))

344,922,079

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,831,522,031  
TOTAL \$ ((2,269,909,260))

2,176,444,110

**NEW SECTION. Sec. 140.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:  
**FOR EASTERN WASHINGTON UNIVERSITY**

Infrastructure Savings (03-1-001)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 1

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**Sec. 141.** 2001 2nd sp.s. c 8 s 624 (uncodified) is amended to read as follows:  
**FOR THE UNIVERSITY OF WASHINGTON**

UW Bothell 2A/Cascadia Community College (00-2-015)

The reappropriation in this section is subject to the conditions and limitations under sections 902 through 904 of this act. No money from this reappropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--  
State \$ ((29,123,099))

8,666,030

Prior Biennia (Expenditures) \$ ((20,976,901))

38,183,970

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ ((50,100,000))

46,850,000

**Sec. 142.** 2001 2nd sp.s. c 8 s 638 (uncodified) is amended to read as follows:  
**FOR THE UNIVERSITY OF WASHINGTON**

UW Medical Center Improvements (99-2-010)

Reappropriation:

Higher Education Construction  
Account--State \$ 30,000,000

Appropriation:

Higher Education Construction  
Account--State \$ 2,100,000

Prior Biennia (Expenditures) \$ 50,000,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ ((80,000,000))

82,100,000

**Sec. 143.** 2001 2nd sp.s. c 8 s 661 (uncodified) is amended to read as follows:  
**FOR WASHINGTON STATE UNIVERSITY**

WSU Vancouver - Multimedia/Electronic Communication Classroom Building: (02-2-907)

The appropriation in this section is subject to the conditions and limitations of sections 902 through 904 of this act. No money from the appropriation may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$  
~~Washington State University Building Account--~~  
~~State \$ 3,000,000~~

~~Subtotal Appropriation \$)) 15,900,000~~

Prior Biennia (Expenditures) \$ 600,000  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 16,500,000

**Sec. 144.** 2001 2nd sp.s. c 8 s 701 (uncodified) is amended to read as follows:

**FOR CENTRAL WASHINGTON UNIVERSITY**  
Omnibus - Program (02-2-002)

- (1) The appropriation in this section is subject to the conditions and limitations of sections 905 and 906 of this act.  
(2) \$350,000 of this appropriation is provided for interior classroom improvements within the Olympic south building of Pierce College at Fort Steilacoom.

Appropriation:

Central Washington University Capital Projects  
Account--State \$ 3,750,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 12,559,000  
TOTAL \$ 16,309,000

**Sec. 145.** 2001 2nd sp.s. c 8 s 755 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Columbia Basin College - Electrical Substation (~~((99-H-004))~~) (99-1-004)

Reappropriation:

State Building Construction Account--State \$ 770,134

Prior Biennia (Expenditures) \$ 229,866  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,000,000

**Sec. 146.** 2001 2nd sp.s. c 8 s 784 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Cascadia Community College: Development (00-2-501)

The reappropriation in this section is subject to the review and allotment procedures under sections 902 through 904, and 906 of this act. No money may be expended that would be inconsistent with the recommendations of the higher education coordinating board and the project design, scope, and schedule approved by the office of financial management.

Reappropriation:

State Building Construction Account--  
State \$ ((26,581,595))

7,904,031

Prior Biennia (Expenditures) \$ ((23,518,405))

38,945,969

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ ((50,100,000))

46,850,000

**Sec. 147.** 2001 2nd sp.s. c 8 s 824 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Technology Institute Partner College Computer Labs (~~((01-S-003))~~) (01-2-689)

The appropriation in this section is provided to construct and equip three computer science and language labs, an approximate size being 1,200 square feet, one at each of the following college districts: Highline, Olympic, and South Puget Sound.

Appropriation:

State Building Construction Account--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,500,000

**Sec. 148.** 2001 2nd sp.s. c 8 s 828 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Tacoma Science Building: New Facility (~~((01-S-004))~~) (01-2-687)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State \$ 100,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 18,300,000  
TOTAL \$ 18,400,000

**Sec. 149.** 2001 2nd sp.s. c 8 s 829 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Green River Community College - Sciences Building: New Facility (~~((01-S-002))~~) (01-2-688)

The appropriation in this section is provided to conduct a predesign of the project described in this section in accordance with the predesign manual published by the office of financial management. Future appropriations for this project are subject to the submittal of completed predesign requirements on or before July 1, 2002.

Appropriation:

State Building Construction Account--State \$ 100,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 18,300,000  
TOTAL \$ 18,400,000

~~NEW SECTION.~~ **Sec. 150.** A new section is added to 2001 2nd sp.s. c 8 (uncodified) to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Infrastructure Savings (03-1-001)

Projects that are completed in accordance with section 915 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State \$ 1

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1

**Sec. 151.** 2001 2nd sp.s. c 8 s 799 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

South Seattle Community College - Building A: Replacement (02-1-217)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

~~((Community and Technical College Capital Projects  
Account--State))~~ State Building  
Construction Account--State \$ 5,477,400

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,477,400

**Sec. 152.** 2001 2nd sp.s. c 8 s 803 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Pierce College Fort Steilacoom - Portables: Replacement (02-1-223)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

~~((Community and Technical College Capital Projects  
Account--State))~~ State Building  
Construction Account--State \$ 2,452,100

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,452,100

**Sec. 153.** 2001 2nd sp.s. c 8 s 804 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Lower Columbia College - Physical Science Portables: Replacement (02-1-226)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

~~((Community and Technical College Capital Projects  
Account--State))~~ State Building  
Construction Account--State \$ 1,959,800

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,959,800

**Sec. 154.** 2001 2nd sp.s. c 8 s 813 (uncodified) is amended to read as follows:

**FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**

Grays Harbor Community College - Library: Renovation (02-1-311)

The appropriation in this section is subject to the review and allotment procedures under sections 902 and 903 of this act.

Appropriation:

~~((Community and Technical College Capital Projects  
Account--State))~~ State Building  
Construction Account--State \$ 4,579,500

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 4,579,500

**Sec. 155.** 2001 2nd sp.s. c 8 s 907 (uncodified) is amended to read as follows:

**ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS.** The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract (~~may~~) and any

certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

The director of general administration shall ensure that the clustering of state facilities and the collocation and consolidation of state agencies take place where such configurations are economical and consistent with agency space needs. Agencies shall assist the department of general administration with facility collocation and consolidation efforts.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

(1) Secretary of state:

(a) Enter into a financing contract in the amount of \$13,582,200 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a regional archives building in eastern Washington to be sited on the Eastern Washington University campus in Cheney.

(b) Enter into a financing contract in the amount of \$653,800 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase technology equipment and software for an electronic data archive, provided that authority to expend funding for acquisition of technology equipment and software associated with the electronic data archive is conditioned on compliance with section 902 of the 2001-2003 operating budget bill (information services projects).

(2) Department of general administration:

(a) Enter into a financing contract in the amount of \$3,956,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to expand the existing Isabella Bush records center in Tumwater for use by state agencies.

(b) Enter into a financing contract in the amount of \$35,656,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW, to purchase two existing office buildings and associated land in Tacoma for use by the department of social and health services.

(c) Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state office building of 150,000 to 200,000 square feet on state-owned property in Tumwater according to the terms of the agreement with the Port of Olympia when the property was acquired or within the preferred development/leasing areas in Thurston county. The building shall be constructed and financed so that agency occupancy costs will not exceed comparable private market rental rates. The comparable general office space rate shall be calculated based on the three latest Thurston county leases of new space of at least 100,000 rentable square feet adjusted for inflation as determined by the department of general administration. The department of general administration shall coordinate with potential state agency tenants whose current lease expire near the time of occupancy so that buyout of current leases do not add to state expense. The office of financial management shall certify to the state treasurer: (i) The project description and dollar amount; and (ii) that all requirements of this subsection (2)(c) have been met.

~~(3) (Military department):~~

~~(a) Enter into a financing contract in the amount of \$653,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additional space at the Spokane combined public safety training center.~~

~~(b) Enter into a financing contract in the amount of \$807,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct additional space at the Bremerton readiness center.~~

~~(4)) Department of corrections:~~

~~Enter into a financing contract in the amount of \$4,588,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or construct a correctional industries transportation services warehouse.~~

~~((5)) (4) Department of veterans affairs:~~

~~(a) Enter into a financing contract in the amount of \$12,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct a skilled nursing home in Retsil.~~

~~(b) Enter into a financing contract in an amount not to exceed \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase a state veterans' home in eastern Washington.~~

~~((6)) (5) State parks and recreation: It is the intent of the legislature that the operating revenues of the department provide the primary source of funds necessary to meet financing contract obligations for the projects financed under this authority. In addition, state parks and recreation is authorized to pledge to make payments from appropriated funds pursuant to chapter 39.94 RCW in order to:~~

~~(a) Enter into financing contracts in the amount of \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and install cabins and yurts statewide.~~

~~(b) Enter into a financing contract in an amount not to exceed \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for development of a multi-purpose dining and meeting facility at Fort Worden state park.~~

~~((7)) (6) Community and technical colleges:~~

~~(a) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$4,106,300 plus financing expenses and reserves pursuant to chapter 39.94 RCW to renovate Lynnwood hall and Montlake Terrace hall.~~

~~(b) Enter into a financing contract on behalf of Edmonds Community College in the amount of \$3,134,900 plus financing expenses and reserves pursuant to chapter 39.94 RCW to construct an addition to the student center building.~~

~~(c) Enter into a financing contract on behalf of Highline Community College in the amount of \$15,006,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the student union building.~~

~~(d) Enter into a financing contract on behalf of Lower Columbia College in the amount of \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for up to \$2,500,000 to purchase the maple terrace apartments.~~

~~(e) Enter into a financing contract on behalf of Everett Community College in the amount of \$1,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for remodeling of the fitness center.~~

~~(f) Enter into a financing contract on behalf of Wenatchee Valley College in the amount of \$500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase two buildings and property contiguous to the college campus.~~

~~(g) Enter into a financing contract on behalf of Olympic College in the amount of \$900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for development of off-street student parking.~~

~~(h) Enter into a financing contract on behalf of Renton Technical College in the amount of \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the purchase of approximately ten acres within the district boundary to support a future relocation of apprenticeship programs off the main campus.~~

~~(i) Enter into a financing contract on behalf of Bellevue community college in the amount of \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the construction of a structured parking garage.~~

~~((8)) (7) Central Washington University: Enter into a financing contract in the amount of \$5,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Central Washington University/Edmonds Community College center.~~

~~((9)) (8) University of Washington:~~

~~(a) Enter into a financing contract in the amount of \$7,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for renovation of Sand Point building 5.~~

~~(b) Enter into a financing contract in the amount of \$5,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for renovation of Sand Point building 29.~~

(c) Enter into a financing contract in the amount of \$1,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to complete the current, phased renovation of Sand Point building 5.

(9) The Evergreen State College: Enter into a financing contract in the amount of \$1,610,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for expansion of the campus children's center.

**NEW SECTION. Sec. 156.** The following acts or parts of acts are each repealed:

- (1) 2001 2nd sp.s. c 8 s 182 (uncodified);
- (2) 2001 2nd sp.s. c 8 s 184 (uncodified);
- (3) 2001 2nd sp.s. c 8 s 186 (uncodified);
- (4) 2001 2nd sp.s. c 8 s 187 (uncodified); and
- (5) 2001 2nd sp.s. c 8 s 421 (uncodified).

## **PART 2 JOB CREATION AND INFRASTRUCTURE PROGRAM**

**NEW SECTION. Sec. 201.** The governor and legislature find that the state of Washington is faced with a serious economic downturn following the tragic events of September 11, 2001, and that creating jobs through capital construction will help stabilize and strengthen the state's long-term economy. The dollar amounts specified in this Part 2 are appropriated and authorized to be incurred for capital projects during the period ending June 30, 2003, for the purposes of stimulating the state economy through state construction projects. Except where otherwise stated, it is expected that the appropriations for the job creation and infrastructure program shall be expended primarily for direct costs of those projects.

### **NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Local/Community Projects (2002-S-005): Job Creation and Infrastructure Projects

The following projects are eligible for funding:

#### Projects Amount

Asia Pacific center	\$ 50,000
Benton county jail	\$ 2,000,000
Bremerton maritime park	\$ 500,000
Edmonds waterfront park	\$ 300,000
Grace Cole memorial park/Brookside creek	\$ 400,000
Kent station infrastructure improvements	\$ 900,000
Mill creek active use ball fields	\$ 1,000,000
Nathan Chapman trail	\$ 300,000
Penny creek/9th Avenue crossing	\$ 400,000
Port Angeles skills center/skills consortium	\$ 3,000,000
Puget Sound environmental learning center	\$ 2,000,000
Ridgefield wastewater treatment	\$ 585,000
Sammamish surface water treatment	\$ 1,500,000
Shoreline historical museum	\$ 28,000
Snohomish county children's museum	\$ 300,000
Soundview park/playground	\$ 200,000
Stewart heights pool project	\$ 500,000
Sundome seating expansion - Yakima	\$ 1,250,000
West central community center childcare project	\$ 500,000
William H. Factory small business incubator	\$ 250,000
Yakima ballfields	\$ 1,250,000
TOTAL	\$ 17,213,000

#### Appropriation:

State Building Construction Account--State \$ 17,213,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 17,213,000

### **NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

City of Grandview: Job Creation and Infrastructure Development (2002-S-006)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided for allocation by the department to the city of Grandview for infrastructure development, including but not limited to streets, water, sewer, and other utilities associated with the siting of a warehouse distribution center. If the development agreement for the warehouse distribution center has not been signed by May 15, 2002, the appropriation in this section shall lapse.

#### Appropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,000,000

### **NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Inland Northwest Regional Sports and Recreational Project

The appropriation in this section is subject to the following conditions and limitations: The funds shall be retained in allotment reserve until the office of financial management approves a plan by a nonprofit organization regarding development and management of this project. This review shall ensure that the governing structure of the nonprofit organization contains broad community representation and control and that there will be significant community benefits realized from the project.

Appropriation:

State Building Construction Account--State \$ 1,500,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,500,000

**NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT**

Highline School District Aircraft Noise Mitigation (03-H-001)

The appropriations in this section are subject to the following conditions and limitations:

used. (1) The port of Seattle and the federal aviation administration must provide their share before the state appropriation may be

(2) The appropriations do not commit the state to make future appropriations for this program.

Appropriation:

State Building Construction Account--State \$ 600,000  
Education Construction Account--State \$ 4,400,000  
Subtotal \$ 5,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,000,000

**NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION**

Engineering and Architectural Services - Job Creation and Infrastructure Projects (03-1-001)

Appropriation:

State Building Construction Account--State \$ 750,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 750,000

**NEW SECTION. Sec. 207. FOR THE MILITARY DEPARTMENT**

Job Creation and Infrastructure Projects (03-1-001)

funding: The appropriation in this section is subject to the following conditions and limitations: The following projects are eligible for

Projects Amount  
Port Orchard readiness center \$ 785,000  
Anacortes readiness center \$ 825,000  
Ephrata readiness center \$ 390,000  
TOTAL \$ 2,000,000

Appropriation:

State Building Construction Account--State \$ 2,000,000  
Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,000,000

**NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES**

Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Projects Amount  
Rainier school: Emergency power improvements \$ 65,000  
Rainier School: Fire hydrant improvements \$ 410,000  
Eastern state hospital: Replace failed sewer lines \$ 135,000  
Naselle youth camp: Roofing repairs \$ 135,000  
Ridgeview group home: Replace roofing \$ 85,000  
Rainier school: Steam distribution system repairs \$ 200,000  
Parke Creek group home: Remodel and improvements \$ 150,000  
Woodinville treatment center: Replace exterior windows and security improvements \$ 60,000  
Lakeland village: Emergency power distribution to north campus \$ 110,000  
Lakeland village: Replace primary electrical feed and switchgear \$ 85,000  
Naselle youth camp: Stabilize hillsides \$ 100,000  
Sunrise group home: Replace exterior windows and security improvements \$ 135,000  
Sunrise group home: Replace vinyl siding \$ 85,000

(2) The department shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

State Building Construction Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 1,000,000  
**NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF CORRECTIONS**  
 Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:  
 (1) The following projects are eligible for funding:

Projects Amount  
 Washington state penitentiary roof repairs \$ 426,150  
 McNeil Island ferry slip repairs \$ 165,000  
 Reynolds work release fire repairs \$ 56,000  
 Tacoma prerelease roof repairs \$ 90,000  
 Clallam Bay exterior improvements \$ 334,500  
 McNeil Island roof repairs \$ 90,699  
 Pine Lodge prerelease improvements \$ 192,500  
 Monroe corrections center improvements \$ 56,000  
 Ahtanum View exterior improvements \$ 193,760  
 Airway Heights exterior improvements \$ 80,000  
 Washington corrections center roof repairs \$ 1,071,870  
 Olympic energy plant improvements \$ 179,000  
 McNeil Island roof repairs \$ 146,700

(2) The department shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:  
 State Building Construction Account--State \$ 1,604,609

Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 1,604,609

Sec. 210. 2001 2nd sp.s. c 8 s 265 (unmodified) is amended to read as follows:

**FOR THE DEPARTMENT OF CORRECTIONS**

Local Criminal Justice Facilities (99-2-003)

The appropriations in this section are subject to the following conditions and limitations:

~~(\$3,000,000)~~ (1) \$5,500,000 of the state building construction account--state appropriation is provided solely for grants to local jurisdictions for jail capacity expansion projects. Grants provided in this section shall be limited to up to \$500,000 per jurisdiction.

(2) \$500,000 of the state building construction account--state appropriation increase in this section is provided solely for grants to local jurisdictions for the construction of jail beds.

Reappropriation:  
 General Fund--Federal \$ 2,952,091

Appropriation:  
 General Fund--Federal \$ 1,335,619  
 State Building Construction Account--State \$ ~~((3,000,000))~~

Subtotal Appropriation \$ ~~((4,335,619))~~

3,500,000

4,835,169

Prior Biennia (Expenditures) \$ 1,193,270  
 Future Biennia (Projected Costs) \$ 966,338  
 TOTAL \$ ~~((9,447,318))~~

9,947,318

**NEW SECTION. Sec. 211. FOR THE STATE PARKS AND RECREATION COMMISSION**  
 Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following building renovation and utility upgrade projects are eligible for funding:

Project Amount

Bayview state park: Campground comfort station \$ 400,000  
 Belfair phase I sewer replacement \$ 200,000  
 Birch Bay state park: Residence replacement \$ 175,000  
 Camano Island state park: Group camp  
 comfort station replacement \$ 250,000  
 Camano Island state park: Connect  
 comfort station to utility system \$ 734,000  
 Curlew Lake state park: Campground comfort  
 station replacement \$ 120,000  
 Dalles Mountain Ranch state park: Potable  
 water well and distribution lines \$ 125,000  
 Fort Columbia state park: Exterior  
 improvements to hoste \$ 250,000  
 Fort Canby state park: Upgrade north  
 head duplex and carriage house \$ 290,000  
 Fort Simcoe state park: Preservation  
 of historic officers' quarters \$ 233,000

Gingko state park: Interpretive center renovation and improvements \$ 300,000  
 Iron Horse state park: FF-16 trestle replacement \$ 500,000  
 Iron Horse state park: South Cle Elum depot complex \$ 200,000  
 Kitsap Memorial state park: Campground comfort station replacement \$ 380,000  
 Lake Sylvania state park: Day use comfort station improvements \$ 90,000  
 Lewis & Clark Trail state park: Improvements to comfort stations \$ 250,000  
 Lime Kiln state park: Garage renovation to interpretive center \$ 100,000  
 Millersylvania state park: Wastewater treatment plant improvements \$ 175,000  
 Millersylvania state park: Comfort station 2 historic preservation \$ 110,000  
 Millersylvania state park: Kitchen 2 historic preservation \$ 60,000  
 Moran state park: Residence replacement \$ 175,000  
 Moran state park: South campground comfort station improvements \$ 100,000  
 Moran state park: Recreational vehicle trailer sewage disposal replacement \$ 150,000  
 Moran state park: Kitchen shelter 8 and 21 replacement \$ 112,000  
 Ocean Beach: Access water line purveyors \$ 50,000  
 Ocean City state park: North Beach area residence replacement \$ 175,000  
 Old Fort Townsend state park: Residence replacement \$ 175,000  
 Olmstead Place state park: Cabin historic preservation \$ 60,000  
 Olmstead Place state park: Smith house-historic preservation \$ 115,000  
 Paradise Point state park: Campground comfort station improvements \$ 90,000  
 Pearygin Lake state park: Comfort station improvements \$ 350,000  
 Rainbow Falls state park: Replace pedestrian suspension bridge \$ 250,000  
 Sacajawea state park: Interpretive center renovation/improvements \$ 600,000  
 Sacajawea state park: Renovate caretaker's residence and garage \$ 170,000  
 Sequest state park: South loop water system improvements \$ 50,000  
 Sequim Bay state park: Fish passage barrier replacement \$ 250,000  
 Statewide: Campground electrification statewide (recreational vehicle hookups) \$ 1,500,000  
 Statewide: Culvert replacements for fish passage \$ 750,000  
 Statewide: Housing renovation \$ 1,348,000  
 Thorpe Bridge: Decking and safety railing installation \$ 300,000  
 Twin Harbors state park: Potable water systems improvements \$ 185,000  
 Twin Harbors state park: West campground comfort station replacements \$ 350,000

(2) State parks shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

State Building Construction Account--State \$ 9,500,000

Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 9,500,000

**NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Job Creation and Infrastructure Projects (03-1-001)

The following projects are eligible for funding:

Project Amount

Tokul creek: Hatchery pathogen-free water \$ 140,000  
 Whitehorse hatchery: Well and pond renovation \$ 300,000  
 Dungeness hatchery: Intakes \$ 290,000  
 Issaquah hatchery: Phase 3 \$ 238,000

Wallace river hatchery: Pollution abatement pond \$ 175,000  
 Crop and orchard protection fencing \$ 200,000  
 Sunnyside wildlife area: Well replacement \$ 30,000  
 Region 5 hazardous material storage \$ 45,000  
 Cedar creek: Trap storage \$ 30,000  
 Statewide: Underground storage tank removal \$ 50,000  
 Chelan hatchery storage building \$ 75,000  
 Wenatchee: Office survey and fence \$ 25,000  
 Wenatchee: Warehouse renovation and storage building \$ 41,000  
 Wenatchee: Office and warehouse paint \$ 12,000  
 Region 2: Office underground sprinkler system \$ 10,000  
 Americans with disabilities act toilet  
 installation: 12 locations \$ 200,000  
 Sherman creek: Irrigation line replacement \$ 149,000  
 Windmill ranch wildlife area: Replace  
 pivot irrigation system \$ 121,400  
 Methow: Headquarters renovations \$ 43,800  
 Johns river wildlife area: Replace heating and  
 windows \$ 40,200  
 Statewide: Elk fencing \$ 500,000  
 St. Helens wildlife area: Bridge replacement No. 502 \$ 175,000  
 Sunset falls bridge: Deck and safety improvements \$ 75,000  
 Statewide: Paving of bridge approaches \$ 75,000  
 Total: \$ 3,040,400

Appropriation:

State Building Construction Account--State \$ 3,040,400

Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 3,040,400

**NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

Culvert Replacement for Fish Passage: Job Creation and Infrastructure Projects (03-S-001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to the department of fish and wildlife to replace culverts on state lands that impair fish passage. The department shall prioritize projects that affect fish species listed as threatened or endangered under the federal endangered species act.

Appropriation:

State Building Construction Account--State \$ 500,000

Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 500,000

**NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF AGRICULTURE**

Fairground Health and Safety Improvements: Job Creation and Infrastructure Projects (03-S-002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to the department of agriculture to make grants to counties for health and safety improvements at fairs and youth shows as authorized by chapter 15.76 RCW.

Appropriation:

State Building Construction Account--State \$ 100,000

Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 100,000

**NEW SECTION. Sec. 215. FOR THE WASHINGTON STATE PATROL**

Job Creation and Infrastructure Projects (03-1-001)

Appropriation:

State Building Construction Account--State \$ 250,000

Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 0  
 TOTAL \$ 250,000

**NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION**

Columbia River Dredging (03-H-001)

The appropriation in this section is provided solely to fund the second phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless an agreement on ocean disposal sites has been reached that protects the state's commercial crab fishery. The amount in this section shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

Appropriation:

State Building Construction Account--State \$ 17,700,000

Prior Biennia (Expenditures) \$ 0  
 Future Biennia (Projected Costs) \$ 0

TOTAL \$ 17,700,000

**NEW SECTION. Sec. 217. FOR THE WASHINGTON STATE HISTORICAL SOCIETY**

Lewis and Clark's Station Camp--Park and Infrastructure Development: Job Creation and Infrastructure Projects (2002-S-001)

Appropriation:

State Building Construction Account--State \$ 2,552,226

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 2,552,226

**NEW SECTION. Sec. 218. FOR THE UNIVERSITY OF WASHINGTON**

Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Project Amount

Undergraduate library ceiling \$ 600,000

Oceanography/fisheries dock \$ 420,000

Storm and footing drains \$ 300,000

Eyewash stations in labs \$ 1,000,000

Roof replacements \$ 1,380,000

Bagley Hall lab renovations \$ 1,200,000

AA/BB Wings pipe replacement \$ 1,025,000

Marine studies boiler replacement \$ 75,000

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$ 3,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,500,000

**NEW SECTION. Sec. 219. FOR WASHINGTON STATE UNIVERSITY**

Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Project Amount

Library road \$ 450,000

Stadium way \$ 475,000

Storm water/sewer \$ 360,000

Miscellaneous road improvements \$ 246,500

Lighting \$ 500,000

Upgrade water system \$ 435,000

Fire alarm retrofits \$ 103,500

Hazardous waste product \$ 1,200,000

Miscellaneous safety projects \$ 1,500,000

Spokane renovation \$ 500,000

Steam system improvements \$ 188,000

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0

TOTAL \$ 3,000,000

**NEW SECTION. Sec. 220. FOR EASTERN WASHINGTON UNIVERSITY**

Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Project Amount

Tawanka commons renovation \$ 3,684,453

Campus police dispatch \$ 2,740,000

TOTAL \$ 6,424,453

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,500,000

**NEW SECTION. Sec. 221. FOR CENTRAL WASHINGTON UNIVERSITY**  
Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Project Amount  
Omnibus preservation \$ 3,500,000  
Roofing \$ 1,500,000

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,500,000

**NEW SECTION. Sec. 222. FOR THE EVERGREEN STATE COLLEGE**  
Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Project Amount  
Library roof repairs and safety \$ 2,710,000  
Mechanical repairs \$ 750,460  
Reservoir fences \$ 15,000

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,500,000

**NEW SECTION. Sec. 223. FOR WESTERN WASHINGTON UNIVERSITY**  
Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

Project Amount  
Miller hall \$ 1,650,000  
Steam plant \$ 1,000,000  
Air quality \$ 743,000  
Utilities \$ 501,000  
Viking substation \$ 103,000  
Storm water detention \$ 75,000  
Old main restoration \$ 582,000  
Fire safety \$ 435,000

(2) The university shall implement the eligible projects pursuant to sections 225 through 227 of this act and shall prioritize these projects to not exceed the amount appropriated in this section.

Appropriation:

Education Construction Account--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,000,000

**NEW SECTION. Sec. 224. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM**  
Job Creation and Infrastructure Projects (03-1-001)

The appropriation in this section is subject to the following conditions and limitations:

(1) The following projects are eligible for funding:

**College Projects Amount**

**Bates Technical College Roof and facility repairs--HVAC controls and equipment and elevator \$ 1,160,000**  
**Bellevue Community College Roof repairs \$ 2,374,000**  
**Bellingham Technical College Facility repairs--HVAC \$ 986,000**  
**Big Bend Community College Facility repairs--Fume hoods \$ 100,000**  
**Clark Community College Facility repairs--Structural \$ 313,000**  
**Columbia Basin College Facility repairs--Replace heaters \$ 225,000**  
**Everett Community College Roof repairs \$ 57,000**  
**Grays Harbor Community College Bishop center; Roof and facility repairs--Electrical panels \$ 745,000**  
**Green River Community College Campus commons--Lighting, landscape, and drainage \$ 600,000**  
**Highline Community College Utility tunnels; Redondo pier; Roof repairs \$ 3,189,000**  
**Lake Washington Technical College Facility repairs--Window and roof leak damage \$ 105,000**  
**Lower Columbia College Roof repairs and removal of portables, including site work \$ 290,175**  
**Olympic Community College Facility repairs--HVAC, ventilation, and dust accumulations \$ 1,354,000**  
**Peninsula Community College Facility repairs--HVAC, domestic water, and ventilation \$ 2,366,000**  
**Pierce Community College -**  
**Fort Steilacoom Facility repairs--HVAC, pipe, and electrical service upgrades \$ 156,000**  
**Renton Technical College Roof repairs \$ 526,000**  
**Seattle Central Community College Roof and miscellaneous repairs \$ 435,000**  
**Shoreline Community College Roof repairs \$ 452,000**  
**South Seattle Community College Roof and facility repairs--HVAC, fiber optic for EMS \$ 2,301,000**  
**Spokane Community College Roof and facility repairs--Science building rooftop heat unit \$ 285,000**  
**Spokane Falls Community College Facility repairs--HVAC, electrical service, and distribution \$ 378,000**  
**Tacoma Community College Facility repairs--HVAC, electrical \$ 2,354,000**  
**Walla Walla Community College Enology phase 2 and miscellaneous repairs \$ 1,084,000**  
**Wenatchee Valley Community College Replace portable--prep and site work; Welding lab; Roof and facility repairs \$ 2,565,000**  
**Whatcom Community College Facility repairs--HVAC and building fungus \$ 700,000**  
**Yakima Valley Community College Electrical, fiber optic, and equipment installations for 2+2 classrooms \$ 1,500,000**

**TOTAL \$ 26,600,175**

(2) The community and technical college system's board shall act to ensure that colleges implement the eligible projects pursuant to sections 225 through 227 of this act.

(3) The state building construction account--state appropriation is for the following projects: Highline Community College, Peninsula Community College, and Spokane Community College. The education construction account--state appropriation is for the remaining projects under this section.

Appropriation:

Education Construction Account--State \$ 20,760,175  
State Building Construction Account--State \$ 5,840,000  
Subtotal Appropriation \$ 26,600,175

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 26,600,175

**NEW SECTION. Sec. 225.** Agencies shall expedite the expenditure of appropriations for the job creation and infrastructure program in order to: (1) Maximize additional private employment opportunities associated with capital expenditures; (2) expediently renew and repair a wide variety of state facilities and infrastructure; and (3) minimize reappropriations for work under this section to those projects that have been encumbered and are substantially underway by June 30, 2003. Agencies shall implement the job creation and infrastructure program within the agency's current level of employees.

**NEW SECTION. Sec. 226.** The following conditions apply to appropriations for the job creation and infrastructure program: (1) Agencies shall contract permitting, design, and construction services wherever appropriate; (2) agencies shall coordinate contract and project management services to meet the completion goals of this section; (3) agencies may petition the office of financial management to use agency staff or to separately contract project management services for individual projects on an exception basis by demonstrating that this approach is more cost effective and necessary to meet the timeline goals in this section; and (4) to carry out the provisions of sections 201 through 227 of this act, the office of financial management may assign responsibility for design, construction, and other related activities to any appropriate agency.

**NEW SECTION. Sec. 227.** To ensure that job creation and infrastructure program appropriations are carried out in accordance with legislative intent, funds shall not be allotted until eligible projects are approved by and on file with the office of financial management. Allotments for appropriations shall be provided for each eligible project in accordance with the capital project review requirements adopted by the office of financial management. No expenditure may be incurred or obligation assumed against job creation and infrastructure program appropriations until the office of financial management has approved the allotment of the funds to be expended.

The office of financial management is expected to monitor the progress of eligible projects that receive appropriations. No later than December 1, 2002, the office of financial management shall report the following information to the capital budget committee of the house of representatives and the ways and means committee of the senate: (1) A status report on each project noting percent completion; and (2) an explanation of why any appropriation remains unexpended. Agencies shall make this information available to the office of financial management upon request.

**PART 3  
MISCELLANEOUS**

**NEW SECTION. Sec. 301. FOR THE STATE TREASURER--TRANSFERS**

For transfers in this section to the state general fund, pursuant to RCW 43.135.035(5), the state expenditure limit shall be increased by the amount of the transfer. The increase shall occur in fiscal year 2002.

Washington State University Building Account:

For transfer to the state general fund \$ 3,000,000

Community and Technical College Capital

Projects Account: For transfer to the state general fund \$ 14,468,800

**Sec. 302.** RCW 28B.30.730 and 1991 sp.s. c 13 s 50 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute  
(a) An obligation, either general or special, of the state; or  
(b) A general obligation of Washington State University or of the board;  
(2) Shall be  
(a) Either registered or in coupon form; and  
(b) Issued in denominations of not less than one hundred dollars; and  
(c) Fully negotiable instruments under the laws of this state; and  
(d) Signed on behalf of the university by the president of the board, attested by the secretary or the treasurer of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state  
(a) The date of issue; and  
(b) The series of the issue and be consecutively numbered within the series; and  
(c) That the bond is payable both principal and interest solely out of the bond retirement fund;  
(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;  
(5) Shall be payable both principal and interest out of the bond retirement fund;  
(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;  
(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement account, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement account when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement account to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued.

The proceeds of the sale of all bonds shall be deposited in the state treasury to the credit of the Washington State University building account and shall be used solely for paying the costs of the projects. The Washington State University building account shall be credited with the investment income derived pursuant to RCW 43.84.080 on the investible balances of scientific permanent fund and agricultural permanent fund, less the allocation to the state treasurer's service (~~(account fund)) fund~~ pursuant to RCW 43.08.190. During the 2001-2003 fiscal biennium, the legislature may transfer from the Washington State University building account to the state general fund such amounts as reflect the excess fund balance of the account.

**Sec. 303.** RCW 28B.50.360 and 2000 c 65 s 1 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the

building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, and for the payment of principal of and interest on any bonds issued for such purposes. During the 2001-2003 fiscal biennium, the legislature may transfer from the account to the state general fund such amounts as reflect the excess fund balance of the account.

**NEW SECTION. Sec. 304.** In order to coordinate 2003-2005 capital budget requests with the joint legislative audit and review committee's study of higher education facility preservation, each higher education baccalaureate institution and the state board for community and technical colleges shall report the following information to the joint legislative audit and review committee, the office of financial management, and the higher education coordinating board by the following dates:

(1) By May 1, 2002, a list of all facility renovation and replacement projects for which the baccalaureate institution or state board for community and technical colleges anticipates requesting over five million dollars will be requested in the first six years of the 2003-2013 ten year capital plan; and

(2) By July 1, 2002, planning, justification, and budget information for each listed project, including completed predesigns for 2003-2005 projects.

**NEW SECTION. Sec. 305.** (1) The public works board shall provide a follow-up to its 1998 infrastructure needs assessment by reevaluating existing infrastructure financing sources available for local government infrastructure needs, as currently authorized by the state.

(2) The evaluation shall include a listing, description, and the extent of utilization of all state authorized financing options. The evaluation shall also determine how these sources could be used more effectively, and recommend legislation necessary to make the sources more usable.

(3) The public works board shall work in cooperation with the legislative evaluation and accountability program, the municipal research council, and house of representatives and senate fiscal committees, as deemed appropriate. The public works board may also utilize state agencies, community officials, private business organizations, labor organizations, and other entities as appropriate in conducting the evaluation.

(4) The public works board shall report its findings to the house of representatives capital budget committee and the senate ways and means committee by December 1, 2002.

**NEW SECTION. Sec. 306.** (1) A joint select committee on capitol historic district governance is established. The joint select committee, in consultation with the state capitol committee and the department of general administration, shall conduct a study to assess, at a minimum, the feasibility of: (a) Creating a separate entity to oversee the future maintenance and preservation needs of the state legislative building, the John A. Cherberg building, the John L. O'Brien building, the Newhouse building, and the Pritchard building; (b) an organizational structure for this entity; and (c) a recommendation of funding needed for the creation and on-going operation of this entity with consideration given to the necessary and unique preservation requirements for continued maintenance of these historical buildings.

(2) The joint select committee consists of two members selected by the speaker of the house of representatives, one from each major caucus, and two members selected by the president of the senate, one from each major caucus. The committee shall be staffed by the house of representatives office of program research and senate committee services.

(3) The committee shall report its findings and recommendations to the legislature by December 1, 2002.

**NEW SECTION. Sec. 307.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 308.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "budget;" strike the remainder of the title and insert "amending RCW 28B.30.730 and 28B.50.360; amending 2001 2nd sp.s. c 8 ss 111, 117, 118, 173, 157, 183, 257, 270, 278, 303, 311, 313, 344, 346, 348, 350, 354, 387, 388, 390, 392, 416, 427, 505, 506, 602, 624, 638, 661, 701, 755, 784, 824, 828, 829, 799, 803, 804, 813, 907, and 265 (uncodified); adding new sections to 2001 2nd sp.s. c 8 (uncodified); creating new sections; repealing 2001 2nd sp.s. c 8 ss 182, 184, 186, 187, and 421 (uncodified); making appropriations; authorizing expenditures for capital improvements; and declaring an emergency.", and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

#### MOTION

Senator Fairley moved that the Senate concur in the House amendments to Engrossed Senate Bill No. 6396.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fairley that the Senate concur in the House amendments to Engrossed Senate Bill No. 6396.

The motion by Senator Fairley carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 6396.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Senate Bill No. 6396, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6396, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Voting nay: Senator Eide - 1.

Excused: Senator McCaslin - 1.

ENGROSSED SENATE BILL NO. 6396, as amended by the House, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

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

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2926, by House Committee on Appropriations (originally sponsored by Representatives Clements and Grant)

Transferring the state library to the office of the secretary of state.

The bill was read the second time.

#### MOTION

On motion of Senator Costa, the rules were suspended, Substitute House Bill No. 2926 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Substitute House Bill No. 2926.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2926 and the bill passed the Senate by the following vote: Yeas, 41; Nays, 3; Absent, 4; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, Morton, Oke, Parlette, Poulsen, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 41.

Voting nay: Senators Finkbeiner, Jacobsen and Snyder - 3.

Absent: Senators Hargrove, McDonald, Prentice and Sheldon, T. - 4.

Excused: Senator McCaslin - 1.

SUBSTITUTE HOUSE BILL NO. 2926, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1646, by House Committee on Education (originally sponsored by Representatives D. Schmidt, Haigh, Talcott, Keiser, Cox, Schual-Berke, Anderson, Pearson, Quall, Santos, Rockefeller, McDermott, Schindler, Conway, Bush and Dunn

Including the Washington national guard youth challenge program as an alternative educational service provider.

The bill was read the second time.

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Second Substitute House Bill No. 1646 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 1646.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 1646 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1646, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Spanel, the following resolution was adopted:

#### SENATE RESOLUTION 8792

By Senators Spanel, Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McCaslin, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, B. Sheldon, T. Sheldon, Shin, Snyder, Stevens, Swecker, Thibaudeau, West, Winsley, and Zarelli

WHEREAS, The successes of the Washington State Senate often reflect the tireless efforts of a very talented and dedicated staff working behind the scenes; and

WHEREAS, Staff people who were pioneers in the early years of legislative staff organization, along with others, are now reaching the point of retirement, if not exhaustion; and

WHEREAS, Ross Antipa, Dick Armstrong, Myrna Beebe, Dave Cheal, Bev Eikenberry, Bill Freund, Sue LaVack, and Nina Weld are among those staff looking forward to retirement in the coming year; and

WHEREAS, Dr. Ross Antipa began a long career of dedicated public service in 1967 as an infantryman on the front lines in Vietnam where he earned one bronze star for meritorious service, the combat infantry badge, and two bronze stars for heroism; and

WHEREAS, The fish in waters from British Columbia to the Columbia River will be even more endangered when Ross's boat hits the

water this summer; and

WHEREAS, In 1974, shortly after graduation from the University of Oregon Law School, Dick Armstrong was hired by the Washington State Senate by Senator Frank Woody, fired by Senator Bob Grieve, and rehired by Senator Gordon Sandison—all within a matter of days; and

WHEREAS, a young, but persistent Dick Armstrong survived those early days with his now legendary good humor, and soon after was actually put on the Senate payroll; and

WHEREAS, Myrna Beebe joined the Senate in 1972, in the Autotype Pool, and her energetic and illustrious career has included several positions in the Senate staff, barely leaving time for Sorority, pinochle, bunco group, birthday club, car club and playing golf with the Capitol City Executive Women's group, as well as redecorating a room in her house as a Mariner Room; and

WHEREAS, Dave Cheal first joined the Washington State Legislature in 1974, but then decided Guam would be warmer and sunnier; and

WHEREAS, after spending time in the tropics, Dave actually chose to return to the House staff in 1984 and then wisely transferred to the Senate in 1985, where he has served ever since, providing wise counsel, gracious service, and friendship to members of the Legislature; and

WHEREAS, Dave Cheal will soon retire to his newly constructed retirement nest to spend time with wife and family, working in his wood shop, and traveling at his leisure; and

WHEREAS, Beverly, "Bev" Eikenberry, a caring, dedicated and exemplary Senior Legislative Assistant to the Senate Republican Caucus, has served the caucus with unparalleled enthusiasm and commitment since January 1997; and

WHEREAS, the Senate Republican Caucus has benefitted greatly from Bev's cheery disposition, thoughtful personality, political institutional memory, and willingness to go beyond her assigned duties to help anyone at any time efficiently and with a smile; and

WHEREAS, Bill Freund, replete with a Navy discharge, an Economics degree, a full head of hair, and a sunny disposition, joined the legislative staff in 1973; and

WHEREAS, after a career which included playing a critical role in legislative development and implementation of the Basic Education Act and serving as a primary architect of K-12 funding models will soon retire to a life of farming, fishing, hunting and family, but will hopefully continue his work, at least on a part-time basis, as one of the state's favorite curmudgeons and foremost experts in K-12 Education policy and finance; and

WHEREAS, Sue LaVack began her illustrious career cleaning the Senate during sessions starting in 1974, which went so well she started cleaning the books in 1980; and

WHEREAS, When Sue first started with the Senate, she thought "biennium" was something that grew on a foot, and that PvR was a type of plumbing pipe;

WHEREAS, Even though Sue doesn't have a precise retirement date, she has said that her love for the Mariners, golf, pinochle and bunco, not to mention travel and family time, just don't leave room for another legislative session; and

WHEREAS, Nina Weld joined the Senate in 1977 in the Workroom, and went to the Accounting office in 2000; and

WHEREAS, Nina loves the sunshine and you will soon find her basking poolside in Hawaii, Reno, Las Vegas, and attending many Mariner games. Nina is a "stamper" and makes custom greeting cards and other crafts and could open a craft shop and offer classes on the sixty acres of property she and hubby, Roger, just purchased;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extends its heartfelt thanks and gratitude to Ross Antipa, Dick Armstrong, Myrna Beebe, Dave Cheal, Bev Eikenberry, Bill Freund, Sue LaVack, and Nina Weld for their service, friendship, and the legacy they leave; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to Ross, Dick, Myrna, Dave, Bev, Bill, Sue and Nina asking that they not forget us.

Senators Deccio, Snyder, West, Hargrove, Long, McDonald, McAuliffe, Betti Sheldon, Benton, Prentice, Roach Kline and Jacobsen spoke to Senate Resolution 8792.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced the special guests, the retirees, who were seated in the gallery.

#### PERSONAL PRIVILEGE

Senator McDonald: "A point of personal privilege, Mr. President. One of the things I said, and before Bill Freund leaves I would like to say something else. One of the proudest things, I think, that I have been able to do—we were talking about it—Randy Hodgins and I—is in the twenty-four years that I have been here—is help build that staff. I think it is really one of the premier groups around. It was a real privilege to have Bill, up there, and I'll talk about that in just a minute. One of the other really proud accomplishments in the twenty-four years that I have been here is something that we really accomplished here on this floor in this session. Gradually, we have seen bi-partisanship as the majority getting the

minority to go along with it and you got a little something from it. What we did, this time, was say there are real concerns of the minority party and there are real concerns of the majority party and we are going to knock heads and we are going to come to a resolution and we are going to make something that works for both of us. I think we did that this time. We did the state-wide budget, which is still to be passed, but I believe that will happen and we will stick with you to make sure that it will happen. We did, also, the regional package that we needed to do.

“These are tremendous accomplishments and I got to thinking—ever the engineer. I sat down and calculated that I have been here a fifth of the time that this state has been a state. Actually, that is twenty-one, point two percent, but who is counting. I got to thinking about that—Jane and I, and that is long enough. I have had a tremendous run here. I have been able to be the leader of this caucus. I have been the Ways and Means chairman. I have had great staff by Bill Freund and Martin Flynn—and I got to be the majority leader of this great body, so I just wanted to tell you that I am not running for reelection and I didn’t know that this is going to be quite as hard as it is, but it has been a real pleasure. I have been proud of the relationships that I have had with everybody. Thank you very much.”

#### PERSONAL PRIVILEGE

Senator McAuliffe: “A point of personal privilege, Mr. President. I would like to take this moment to thank you, Lieutenant Governor

for your work that you do with the young people in this state to provide programs, just as this book, and also to bring your music and talent to help children have a good life instead of a life that is filled with drugs or problems. So, you certainly are an inspiration and we appreciate the book as well, and the work that you do for our young people in the state.”

#### MOTION

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

#### MESSAGES FROM THE HOUSE

March 14, 2002

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills as amended by the Senate:  
SECOND SUBSTITUTE HOUSE BILL NO. 2338,  
HOUSE BILL NO. 2425,  
ENGROSSED HOUSE BILL NO. 2901.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to SECOND SUBSTITUTE HOUSE BILL NO. 1531 and passed the bill as amended by the Senate.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The Speaker has signed SECOND SUBSTITUTE HOUSE BILL NO. 1531, and the same is herewith transmitted..

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The Speaker has signed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 6140, and the same is herewith transmitted..

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The Speaker has signed:  
SENATE BILL NO. 5082,  
THIRD SUBSTITUTE SENATE BILL NO. 5514,  
SECOND SUBSTITUTE SENATE BILL NO. 5949,  
SECOND SUBSTITUTE SENATE BILL NO. 6353,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6387,  
SENATE BILL NO. 6591,  
SUBSTITUTE SENATE BILL NO. 6641,  
SUBSTITUTE SENATE BILL NO. 6814,  
SUBSTITUTE SENATE BILL 6823,  
SENATE BILL NO. 6828,  
SENATE BILL NO. 6832,  
SUBSTITUTE SENATE BILL NO. 6833, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The Speaker has signed:  
SECOND SUBSTITUTE HOUSE BILL NO. 2338,  
HOUSE BILL NO. 2380,  
SECOND SUBSTITUTE HOUSE BILL NO. 2403,  
HOUSE BILL NO. 2425,  
HOUSE BILL NO. 2444,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2506,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2560,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2671,  
ENGROSSED HOUSE BILL NO. 2723,  
SUBSTITUTE HOUSE BILL NO. 2758,  
ENGROSSED HOUSE BILL NO. 2901,  
ENGROSSED HOUSE BILL NO. 2993,  
ENGROSSED HOUSE BILL NO. 3011,

HOUSE CONCURRENT RESOLUTION NO. 4427.

#### MOTIONS

On motion of Senator Snyder, the Committee on Rules was relieved of further consideration of Senate Bill No. 6540 and Substitute House Bill No. 2632.

On motion of Senator Snyder, the Committee on Ways and Means was relieved of further consideration of Second Substitute House Bill No. 2697.

#### MOTION

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

#### INTRODUCTION AND FIRST READING

SCR 8435 By Senator Snyder

Exempting Senate Bill No. 6785 and Senate Bill No. 6540 from Senate Concurrent Resolution No. 8424.

WHEREAS, Senate Concurrent Resolution No. 8424 established cutoff dates for consideration of legislation during the 2002 Regular Session of the Fifty-Seventh Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, the House of Representatives concurring, That the cutoff dates established in Senate Concurrent Resolution No. 8424 shall not apply to Senate Bill No. 6785 (estate tax) and Senate Bill No. 6540 (simplifying tax administration).

#### MOTION

On motion of Senator Betti Sheldon, the rules were suspended, Senate Concurrent Resolution No. 8435 was advanced to second reading, and placed on the second reading calendar.

#### MOTIONS

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

On motion of Senator Snyder, the rules were suspended, Senate Concurrent Resolution No. 8435 was advanced to third reading and the concurrent resolution was placed on final passage.

SENATE CONCURRENT RESOLUTION NO. 8435 was adopted by voice vote.

#### SECOND READING

HOUSE BILL NO. 2846, by Representatives Romero, Dunshee, Mulliken

Requiring specific funding to implement the buildable lands review and evaluation program.

The bill was read the second time.

#### MOTION

On motion of Senator Gardner, the rules were suspended, House Bill No. 2846 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of House Bill No. 2846.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2846 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 19; Absent, 2; Excused, 1.

Voting yea: Senators Brown, Carlson, Costa, Eide, Finkbeiner, Franklin, Fraser, Gardner, Hargrove, Horn, Jacobsen, Kastama, Keiser, Kohl-Welles, McAuliffe, Oke, Poulsen, Prentice, Rasmussen, Regala, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Thibaudeau and Winsley - 27.

Voting nay: Senators Benton, Deccio, Fairley, Hale, Hewitt, Hochstatter, Honeyford, Johnson, Long, McDonald, Morton, Parlette, Roach, Rossi, Sheahan, Stevens, Swecker, West and Zarelli - 19.

Absent: Senators Haugen and Kline - 2.

Excused: Senator McCaslin - 1.

HOUSE BILL NO. 2846, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

On motion of Senator Thibaudeau, Gubernatorial Appointment No. 9240, Ida Zodrow, as Administrator of the Washington State Health Care Authority, was confirmed.

Senators Thibaudeau, Deccio and Parlette spoke to the confirmation of Ida Zodrow as Administrator for the Washington State Health Care Authority.

#### APPOINTMENT OF IDA ZODROW

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 6; Excused, 1

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Absent: Senators Benton, Haugen, Kline, Poulsen, Snyder and Spanel - 6.

Excused: Senator McCaslin - 1.

#### MOTION

On motion of Senator Eide, Senators Haugen, Kline, Snyder, Spanel and Thibaudeau were excused.

#### SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 2697, by Local Government and Housing (originally sponsored by Representatives Reardon, Anderson, Berkey, Pflug, Sullivan, Nixon, Esser, Delvin, Jarrett, Upthegrove and Simpson)

Incorporating effective economic development planning into growth management planning.

The bill was read the second time.

#### MOTION

On motion of Senator Tim Sheldon, the following Committee on State and Local Government striking amendment was adopted:

Strike everything after the enacting clause and insert the following:

**"Sec. 1.** RCW 36.70A.020 and 1990 1st ex.s. c 17 s 2 are each amended to read as follows:

The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations of those counties and cities that are required or choose to plan under RCW 36.70A.040. The following goals are not listed in order of priority and shall be used exclusively for the purpose of guiding the development of comprehensive plans and development regulations:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

(9) Open space and recreation. (~~Encourage the retention of~~) Retain open space (~~and development of~~), enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

**Sec. 2.** RCW 36.70A.070 and 1998 c 171 s 2 are each amended to read as follows:

The comprehensive plan of a county or city that is required or chooses to plan under RCW 36.70A.040 shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map. A comprehensive plan shall be adopted and amended with public participation as provided in RCW 36.70A.140.

Each comprehensive plan shall include a plan, scheme, or design for each of the following:

(1) A land use element designating the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, general aviation airports, public utilities, public facilities, and other land uses. The land use element shall include population densities, building intensities, and estimates of future population growth. The land use element shall provide for protection of the quality and quantity of ground water used for public water supplies. Where applicable, the land use element shall review drainage, flooding, and storm water run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) A housing element ensuring the vitality and character of established residential neighborhoods that: (a) Includes an inventory and analysis of existing and projected housing needs that identifies the number of housing units necessary to manage projected growth; (b) includes a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing, including single-family residences; (c) identifies sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily

housing, and group homes and foster care facilities; and (d) makes adequate provisions for existing and projected needs of all economic segments of the community.

(3) A capital facilities plan element consisting of: (a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities; (b) a forecast of the future needs for such capital facilities; (c) the proposed locations and capacities of expanded or new capital facilities; (d) at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes; and (e) a requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent. Park and recreation facilities shall be included in the capital facilities plan element.

(4) A utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(5) Rural element. Counties shall include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources. The following provisions shall apply to the rural element:

(a) Growth management act goals and local circumstances. Because circumstances vary from county to county, in establishing patterns of rural densities and uses, a county may consider local circumstances, but shall develop a written record explaining how the rural element harmonizes the planning goals in RCW 36.70A.020 and meets the requirements of this chapter.

(b) Rural development. The rural element shall permit rural development, forestry, and agriculture in rural areas. The rural element shall provide for a variety of rural densities, uses, essential public facilities, and rural governmental services needed to serve the permitted densities and uses. In order to achieve a variety of rural densities and uses, counties may provide for clustering, density transfer, design guidelines, conservation easements, and other innovative techniques that will accommodate appropriate rural densities and uses that are not characterized by urban growth and that are consistent with rural character.

(c) Measures governing rural development. The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by:

- (i) Containing or otherwise controlling rural development;
- (ii) Assuring visual compatibility of rural development with the surrounding rural area;
- (iii) Reducing the inappropriate conversion of undeveloped land into sprawling, low-density development in the rural area;
- (iv) Protecting critical areas, as provided in RCW 36.70A.060, and surface water and ground water resources; and
- (v) Protecting against conflicts with the use of agricultural, forest, and mineral resource lands designated under RCW 36.70A.170.

(d) Limited areas of more intensive rural development. Subject to the requirements of this subsection and except as otherwise specifically provided in this subsection (5)(d), the rural element may allow for limited areas of more intensive rural development, including necessary public facilities and public services to serve the limited area as follows:

(i) Rural development consisting of the infill, development, or redevelopment of existing commercial, industrial, residential, or mixed-use areas, whether characterized as shoreline development, villages, hamlets, rural activity centers, or crossroads developments. A commercial, industrial, residential, shoreline, or mixed-use area shall be subject to the requirements of (d)(iv) of this subsection, but shall not be subject to the requirements of (c)(ii) and (iii) of this subsection. An industrial area is not required to be principally designed to serve the existing and projected rural population;

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess the impact of land-use decisions on state-owned transportation facilities;

(iii) Facilities and services needs, including:

(A) An inventory of air, water, and ground transportation facilities and services, including transit alignments and general aviation airport facilities, to define existing capital facilities and travel levels as a basis for future planning. This inventory must include state-owned transportation facilities within the city or county's jurisdiction boundaries;

(B) Level of service standards for all locally owned arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(C) For state-owned transportation facilities, level of service standards for highways, as prescribed in chapters 47.06 and 47.80 RCW, to gauge the performance of the system. The purposes of reflecting level of service standards for state highways in the local comprehensive plan are to monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county's or city's six-year street, road, or transit program and the department of transportation's six-year investment program. The concurrency requirements of (b) of this subsection do not apply to transportation facilities and services of statewide significance except for counties consisting of islands whose only connection to the mainland are state highways or ferry routes. In these island counties, state highways and ferry route capacity must be a factor in meeting the concurrency requirements in (b) of this subsection;

(D) Specific actions and requirements for bringing into compliance locally owned transportation facilities or services that are below an established level of service standard;

(E) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(F) Identification of state and local system needs to meet current and future demands. Identified needs on state-owned transportation facilities must be consistent with the statewide multimodal transportation plan required under chapter 47.06 RCW;

(iv) Finance, including:

(A) An analysis of funding capability to judge needs against probable funding resources;

(B) A multiyear financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems. The multiyear financing plan should be coordinated with the six-year improvement program developed by the department of transportation as required by RCW 47.05.030;

(C) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised, or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(v) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(vi) Demand-management strategies.

(b) After adoption of the comprehensive plan by jurisdictions required to plan or who choose to plan under RCW 36.70A.040, local jurisdictions must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a

locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development. These strategies may include increased public transportation service, ride sharing programs, demand management, and other transportation systems management strategies. For the purposes of this subsection (6) "concurrent with the development" shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years.

(c) The transportation element described in this subsection (6), and the six-year plans required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, RCW 35.58.2795 for public transportation systems, and RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. The element shall include: (a) A summary of the local economy such as population, employment, payroll, sectors, businesses, sales, and other information as appropriate; (b) a summary of the strengths and weaknesses of the local economy defined as the commercial and industrial sectors and supporting factors such as land use, transportation, utilities, education, workforce, housing, and natural/cultural resources; and (c) an identification of policies, programs, and projects to foster economic growth and development and to address future needs. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130."

#### MOTIONS

On motion of Senator Tim Sheldon, the following title amendment was adopted:

On page 1, line 2 of the title, after "planning;" strike the remainder of the title and insert "and amending RCW 36.70A.020 and 36.70A.070."

On motion of Senator Tim Sheldon, the rules were suspended, Second Substitute House Bill No. 2697, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Second Substitute House Bill No. 2697, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Second Substitute House Bill No. 2697, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; Nays, 0; Absent, 3; Excused, 6.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Johnson, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West and Winsley - 40.

Absent: Senators Jacobsen, Sheahan and Zarelli - 3.

Excused: Senators Haugen, Kline, McCaslin, Snyder, Spanel and Thibaudeau - 6.

SECOND SUBSTITUTE HOUSE BILL NO. 2697, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6540, by Senators Regala and Poulsen

Simplifying excise and property tax administration.

#### MOTIONS

On motion of Senator Regala, Substitute Senate Bill No. 6540 was substituted for Senate Bill No. 6540 and the substitute bill was advanced to second reading and read the second time.

On motion of Senator Regala, the rules were suspended, Substitute Senate Bill No. 6540 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Substitute Senate Bill No. 6540.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6540 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McDonald,

Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 46.

Excused: Senators McCaslin, Snyder and Spanel - 3.

SUBSTITUTE SENATE BILL NO. 6540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

SECOND READING  
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Spanel, Gubernatorial Appointment No. 9217, Jose Ruiz, as a member of the State Board for Community and Technical Colleges, was confirmed.

APPOINTMENT OF JOSE RUIZ

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 43; Nays, 0; Absent, 4; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West and Winsley - 43.

Absent: Senators Haugen, Kline, Roach and Zarelli - 4.

Excused: Senators McCaslin and Snyder - 2.

MOTION

On motion of Senator Rasmussen, Gubernatorial Appointment No. 9198, Howard Granger, as a member of the Board of Directors for the Small Business Export Finance Assistance Center, was confirmed.

APPOINTMENT OF HOWARD GRANGER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 47.

Excused: Senators McCaslin and Snyder - 2.

MOTION

On motion of Senator Hewitt, Senators Benton and Roach were excused.

MOTION

On motion of Senator Kline, Gubernatorial Appointment No. 9165, Deborah Moore, as a member of the Sentencing Guidelines Commission, was confirmed.

APPOINTMENT OF DEBORAH MOORE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 45.

Absent: Senator Haugen - 1.

Excused: Senators Benton, McCaslin and Roach - 3.

MOTION

On motion of Senator McAuliffe, Gubernatorial Appointment No. 9222, Art Himmler, as a member of the Academic Achievement and Accountability Commission, was confirmed.

APPOINTMENT OF ART HIMMLER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 38; Nays, 0; Absent, 8; Excused, 3.

Voting yea: Senators Brown, Costa, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Hewitt, Hochstatter, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau and Zarelli - 38.

Absent: Senators Carlson, Deccio, Haugen, Honeyford, Kline, Snyder, West and Winsley - 8.

Excused: Senators Benton, McCaslin and Roach - 3.

#### MOTION

On motion of Senator Eide, Senators Haugen and Kline were excused.

#### MOTION

On motion of Senator Regala, Gubernatorial Appointment No. 9161, Duane Sommers, as a member of the Board of Trustees for the State School for the Deaf, was confirmed.

Senators Regala and Carlson spoke to the confirmation of Duane Sommers as a member of the Board of Trustees for the State School for the Deaf.

#### APPOINTMENT OF DUANE SOMMERS

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 42; Nays, 0; Absent, 2; Excused, 5.

Voting yea: Senators Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 42.

Absent: Senators Gardner and Snyder - 2.

Excused: Senators Benton, Haugen, Kline, McCaslin and Roach - 5.

#### MOTION

On motion of Senator Kohl-Welles, Gubernatorial Appointment No. 9199, Roberta Greene, as a member of the Higher Education Coordinating Board, was confirmed.

#### APPOINTMENT OF ROBERTA GREENE

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 33; Nays, 0; Absent, 11; Excused, 5.

Voting yea: Senators Brown, Carlson, Eide, Fairley, Franklin, Fraser, Gardner, Hale, Hewitt, Hochstatter, Honeyford, Jacobsen, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, Morton, Oke, Parlette, Poulsen, Prentice, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Swecker, West, Winsley and Zarelli - 33.

Absent: Senators Costa, Deccio, Finkbeiner, Hargrove, Horn, Johnson, McDonald, Rasmussen, Snyder, Spanel and Thibaudeau - 11.

Excused: Senators Benton, Haugen, Kline, McCaslin and Roach - 5.

#### MOTION

On motion of Senator Sheahan, Gubernatorial Appointment No. 9164, Inez Zozaya-Geist, as a member of the Board of Trustees for Eastern Washington University, was confirmed.

#### APPOINTMENT OF INEZ ZOZAYA-GEIST

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 33; Nays, 0; Absent, 11; Excused, 5.

Voting yea: Senators Brown, Carlson, Deccio, Eide, Fairley, Franklin, Fraser, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Winsley and Zarelli - 33.

Absent: Senators Costa, Finkbeiner, Gardner, Kastama, Keiser, Poulsen, Snyder, Spanel, Swecker, Thibaudeau and West - 11.

Excused: Senators Benton, Haugen, Kline, McCaslin and Roach - 5.

#### MOTION

On motion of Senator Eide, Senators Costa, Gardner, Kastama, Keiser, Poulsen, Snyder and Spanel were excused.

#### MOTION

On motion of Senator Sheahan, Gubernatorial Appointment No. 9138, Elmira Forner, as a member of the Transportation Commission, was confirmed.

Senators Sheahan and Johnson spoke to the confirmation of Elmira Forner as a member of the Transportation Commission.

#### APPOINTMENT OF ELMIRA FORNER

The Secretary called the roll. The appointment was confirmed by the following vote: Yeas, 31; Nays, 0; Absent, 6; Excused, 12.

Voting yea: Senators Carlson, Deccio, Eide, Fairley, Franklin, Fraser, Hale, Hargrove, Hewitt, Hochstatter, Honeyford, Johnson, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Prentice, Rasmussen, Regala, Sheahan, Sheldon, B., Sheldon, T., Shin, Stevens, Thibaudeau, West, Winsley and Zarelli - 31.

Absent: Senators Brown, Finkbeiner, Horn, Jacobsen, Rossi and Swecker - 6.

Excused: Senators Benton, Costa, Gardner, Haugen, Kastama, Keiser, Kline, McCaslin, Poulsen, Roach, Snyder and Spanel - 12.

#### MOTION

At 10:20 p.m., on motion of Senator Betti Sheldon, the Senate was declared to be at ease.

The Senate was called to order at 10:54 p.m. by President Owen.

#### MOTION

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

#### MESSAGES FROM THE HOUSE

March 14, 2002

MR. PRESIDENT:

The House receded from its amendment(s) to SUBSTITUTE SENATE BILL NO. 5097 and passed the bill without the House amendment(s), and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The House passed the following bills:  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6560,  
SENATE BILL NO. 6835, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The Speaker has signed:  
SECOND SUBSTITUTE HOUSE BILL NO. 1646,  
SUBSTITUTE HOUSE BILL NO. 2926, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

#### SIGNED BY THE PRESIDENT

The President signed:  
SECOND SUBSTITUTE HOUSE BILL NO. 2338,  
HOUSE BILL NO. 2380,  
SECOND SUBSTITUTE HOUSE BILL NO. 2403,  
HOUSE BILL NO. 2425,  
HOUSE BILL NO. 2444,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2506,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2560,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2671,  
ENGROSSED HOUSE BILL NO. 2723,  
SUBSTITUTE HOUSE BILL NO. 2758,  
SECOND SUBSTITUTE HOUSE BILL NO. 2867,  
ENGROSSED HOUSE BILL NO. 2901,  
ENGROSSED HOUSE BILL NO. 2993,

ENGROSSED HOUSE BILL NO. 3011,  
HOUSE CONCURRENT RESOLUTION NO. 4427,

SIGNED BY THE PRESIDENT

The President signed:  
SUBSTITUTE SENATE BILL NO. 5097,  
SUBSTITUTE SENATE BILL NO. 6396,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6560,  
SENATE BILL NO. 6818,  
SENATE BILL NO. 6835.

SIGNED BY THE PRESIDENT

The President signed:  
SECOND SUBSTITUTE HOUSE BILL NO. 1531,  
SECOND SUBSTITUTE HOUSE BILL NO. 1646,  
SUBSTITUTE HOUSE BILL NO. 2926.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2451, by House Committee on Transportation (originally sponsored by Representatives Fisher, Chase and Ogden) (by request of Governor Locke)

Making supplemental transportation appropriations.

The bill was read the second time.

MOTION

On motion of Senator Haugen, the following striking amendment was adopted:  
Strike everything after the enacting clause and insert the following:

**"2001-03 BIENNIUM GENERAL GOVERNMENT AGENCIES--OPERATING**

**Sec. 101.** 2001 2nd sp.s. c 14 s 102 (uncodified) is amended to read as follows:  
**FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM**  
Motor Vehicle Account--State Appropriation \$ ((1,676,000))

488,000

((The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$1,188,000 of the motor vehicle account state appropriation is provided for the implementation of House Bill No. 2269 in the form enacted by the legislature. If House Bill No. 2269 is not enacted in the form passed by the legislature by July 31, 2001, this funding will lapse.))

**TRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201.** A new section is added to 2001 2nd sp.s. c 14 (uncodified) to read as follows:  
**FOR THE COUNTY ROAD ADMINISTRATION BOARD--OPERATING PROGRAM**

Rural Arterial Trust Account--State  
Appropriation \$ 741,000  
Motor Vehicle Account--State Appropriation \$ 1,886,000  
County Arterial Preservation Account--  
State Appropriation \$ 700,000  
TOTAL APPROPRIATION \$ 3,327,000

**Sec. 202.** 2001 2nd sp.s. c 14 s 203 (uncodified) is amended to read as follows:  
**FOR THE COUNTY ROAD ADMINISTRATION BOARD--CAPITAL PROGRAM**  
Rural Arterial Trust Account--State  
Appropriation \$ ((50,182,000))  
56,965,000  
Motor Vehicle Account--State Appropriation \$ ((1,887,000))

County Arterial Preservation Account--

368,000

State Appropriation \$ ((28,551,000)) 28,681,000  
TOTAL APPROPRIATION \$ ((80,620,000)) 86,014,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((It is the intent of the legislature that the county road administration board receive separate programmatic appropriations for the operating program and the capital program for the 2001-03 biennium, and thereafter. Agency administrative costs may not be charged against projects or funded from the capital program appropriations.~~

~~(1) \$1,540,000 of the motor vehicle account--state appropriation, \$870,000 of the county arterial preservation account--state appropriation, and \$917,000 of the rural arterial trust account--state appropriation are provided for the operations program. Of the motor vehicle account--state appropriation, \$368,000 is provided for county ferries as set forth in RCW 47.56.724(4).~~

~~(2) \$347,000 of the motor vehicle account--state appropriation, \$27,681,000 of the county arterial preservation account--state appropriation, and \$49,265,000 of the rural arterial trust account--state appropriation are provided for the capital program.)~~

~~\$368,000 of the motor vehicle account--state appropriation is provided for county ferries as set forth in RCW 47.56.724(4).~~

~~NEW SECTION. Sec. 203. A new section is added to 2001 2nd sp.s. c 14 (uncodified) to read as follows:~~

**FOR THE TRANSPORTATION IMPROVEMENT BOARD--OPERATING PROGRAM**

Urban Arterial Trust Account--State

Appropriation \$ 1,552,000

Transportation Improvement Account--

State Appropriation \$ 1,551,000

TOTAL APPROPRIATION \$ 3,103,000

Sec. 204. 2001 2nd sp.s. c 14 s 204 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION IMPROVEMENT BOARD--CAPITAL PROGRAM**

Urban Arterial Trust Account--State

Appropriation \$ ((94,690,000))

105,622,000

Transportation Improvement Account--

State Appropriation \$ ((118,605,000))

130,456,000

TOTAL APPROPRIATION \$ ((213,295,000))

236,078,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

~~((It is the intent of the legislature that the transportation improvement board receive separate programmatic appropriations for the operating program and the capital program for the 2001-03 biennium, and thereafter. Agency administrative costs may not be charged against projects or funded from the capital program appropriations.~~

~~(1) \$1,551,000 of the transportation improvement account--state appropriation and \$1,552,000 of the urban arterial trust account--state appropriation are provided for the operations program.~~

~~(2) \$117,054,000 of the transportation improvement account--state appropriation and \$93,138,000 of the urban arterial trust account--state appropriation are provided for the capital program.~~

~~(3)) The transportation improvement account--state appropriation includes (((\$47,325,000)) \$34,030,000 in proceeds from the sale of bonds authorized in RCW 47.26.500. The transportation improvement board may authorize the use of current revenues available to the agency in-lieu of bond proceeds for any part of the state appropriation.~~

Sec. 205. 2001 2nd sp.s. c 14 s 205 (uncodified) is amended to read as follows:

**FOR THE LEGISLATIVE TRANSPORTATION COMMITTEE**

Motor Vehicle Account--State Appropriation \$ 3,596,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$2,823,000 of the motor vehicle account--state appropriation is provided for the operation of the house of representatives transportation committee.

(2) To the extent possible, this appropriation shall utilize funds allocated under RCW 46.68.110(2).

(3) The house of representatives transportation committee shall conduct a study of the use of motorized scooters. The study shall, at a minimum, identify and analyze the safety issues associated with use of motorized scooters, including use by children, commuters, and the disabled. House of representatives transportation committee cochairs shall each appoint one member from their respective caucus to serve as cochair of the study group. The chair of the senate transportation committee may also appoint two members from the senate transportation committee, one from each caucus, to participate in the study. The study shall be staffed by house of representatives transportation committee staff. The study group shall report back to the house of representatives transportation committee by January 1, 2002.

(4) The house of representatives transportation committee shall conduct a study of the effect of the weight of fire-fighting apparatus on state roadways. The study shall determine, at a minimum, the various types of fire-fighting apparatus currently in use on state roadways; the size, weight and load effect of fire-fighting apparatus that are currently in use or that potentially could be in use on the state roadways, as well as on state bridges; and the effect on public safety. The study may examine state and federal laws that affect fire-fighting apparatuses. House of representatives transportation committee cochairs shall each appoint one member from their respective caucus to serve as cochair of the study group. The study shall be staffed by house of representatives transportation committee staff. The study group will report back to the house of representatives transportation committee by January 1, 2002.

(5) The legislative transportation committee shall conduct a feasibility study of potential for economic partnerships between the Washington state ferries and local government entities, including but not limited to port districts. The study is intended to improve ferry terminals. The study shall, at a minimum, identify the market, physical, and economic factors that should be examined in determining whether an economic or commercial development partnership project on or around Washington state ferry terminals is likely to produce revenue for the partners. The study shall apply those factors to an analysis of each terminal used by Washington state ferries and recommend whether further exploration of state and local partnerships would be of potential economic benefit to the partners. The entity selected to perform the study through the request for proposals process will report back to the transportation committees of the legislature by December 1, 2001.

(6) The legislative transportation committee, in cooperation with an areawide transportation system or systems, shall undertake an evaluation of providing locally sponsored transit services in a local community supplemental to those services provided by an areawide system. The evaluation shall address:

(a) The costs and benefits of providing such services;

(b) The impact of such service on ridership on the areawide system and on any regional systems;

- (c) Funding options for supplemental services; and
- (d) Institutional arrangements affecting the institution of supplemental services.

The committee shall work with the department of transportation, areawide transit providers, community officials, private businesses, labor organizations, and others as appropriate in conducting the evaluation, and in developing a pilot project if feasible. The committee shall also conduct a study of local transit systems with the purpose of making recommendations to make local transit services more seamless and efficient. The committee shall provide an interim progress report to the legislature by January 2002. The committee shall report its findings to the legislature not later than December 1, 2002.

(7) The legislative transportation committee shall undertake an evaluation of the statutory exemptions for transportation taxes, including but not limited to motor vehicle fuel taxes. The committee shall report its findings to the legislature by December 1, 2003.

(8) The legislative transportation committee will convene a working group to review the costs, processes, and other considerations relating to special vehicle license plates. The working group will also review special license plate tabs and emblems. The committee will report its findings to the legislature by December 1, 2002.

(9) The legislative transportation committee shall form a working group to evaluate the feasibility of developing an alternative corridor to Interstate 5 and Interstate 405 to expedite the movement of commerce between the Canadian border, the central Puget Sound region, the south Puget Sound region, and more southerly areas. The corridor would run from approximately the Canadian border in the north to approximately Lewis county in the south. This alternative corridor analysis shall address truck, rail, pipeline, and other utility needs for the corridor, to determine the feasibility of financing and constructing such a corridor, taking into consideration: (a) Anticipated present and future freight demand as well as freight traffic relief for existing state highway and rail routes; (b) the potential for carrying general purpose traffic to provide relief for other state highway routes; (c) a cost-benefit analysis detailing various funding possibilities, including federal funds and the use of charges and tolls to fund construction and operation of the corridor as a utility corridor and a toll facility; (d) an analysis detailing possible right of way locations, including but not limited to property donations, trades, or credits between or among the public and private sector; and (e) possible private sector, local, or other partnerships that may be used to fund the project. The working group shall report its findings to the full committee by December 15, 2002.

**Sec. 206.** 2001 2nd sp.s. c 14 s 207 (uncodified) is amended to read as follows:

**FOR THE TRANSPORTATION COMMISSION**

Motor Vehicle Account--State Appropriation \$ 773,000

**Sec. 207.** 2001 2nd sp.s. c 14 s 209 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU**

State Patrol Highway Account--

State Appropriation \$ ((162,081,000))

164,147,000

State Patrol Highway Account--

Federal Appropriation \$ ((7,084,000))

7,278,000

State Patrol Highway Account--

Private/Local Appropriation \$ 169,000

TOTAL APPROPRIATION \$ ((169,334,000))

171,594,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the field operations bureau:

(1) As a result of the elimination of the vehicle inspection number (VIN) program, no permanent Washington state patrol employee shall be displaced from employment without the opportunity to fill a vacant patrol position for which he or she has a preference and meets the minimum qualifications. For the purpose of the VIN program elimination, the guidelines under chapter 356-26 WAC (Registers-Certifications) shall be suspended for those employees holding the classification of VIN 1 or 2.

(2) To the extent possible, the agency shall transfer displaced VIN personnel into the 20 newly created school bus inspection and motor carrier safety assistance program positions. The agency shall fill existing vacant positions within the commercial vehicle division with displaced VIN personnel. The agency shall report by December 31, 2001, to the senate and house of representatives transportation committees on efforts to relocate displaced VIN personnel.

**Sec. 208.** 2001 2nd sp.s. c 14 s 210 (uncodified) is amended to read as follows:

**FOR THE WASHINGTON STATE PATROL--SUPPORT SERVICES BUREAU**

Multimodal Transportation Account--State

Appropriation \$ 5,247,000

State Patrol Highway Account--

State Appropriation \$ ((69,960,000))

71,736,000

State Patrol Highway Account--

Private/Local Appropriation \$ 735,000

TOTAL APPROPRIATION \$ ((70,695,000))

77,718,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities of the support services bureau:

(1) \$67,000 of the state patrol highway account--state appropriation is provided solely for the patrol to work jointly with the department of transportation, the military department, and the department of natural resources, in coordination with the state interoperability executive committee, on the development and implementation of a secure geographical information system database to illustrate locations and specifications of statewide radio and microwave towers

(2) \$5,247,000 of the multimodal transportation account--state appropriation and \$2,299,000 of the state patrol highway account--state appropriation is a one time funding of general fund activities. The general fund will resume funding these activities beginning in the 2003-05 biennium.

(3) The Washington state patrol shall review the policy of allowing commissioned uniformed officers to use personally assigned vehicles for commuting purposes. This provision applies to every Washington state patrol officer except the chief and any officer that requires use of a vehicle for work performed throughout the day. The agency shall submit to the house of representatives and senate transportation committees by December 1, 2002, a list of officers that use vehicles for commuting purposes and any revisions to the vehicle use policy resulting from the review required under this subsection.

(4) The Washington state patrol shall contract with an independent consulting firm to develop a cost allocation system to identify which agency activities qualify as a "highway purpose" under Article II, section 40 of the state Constitution. The consulting firm shall present findings and recommendations to the legislative transportation committee during the 2002 legislative interim. The legislative transportation committee shall approve or reject those findings and recommendations.

(5) The final cost allocation system and processes must be utilized to develop the Washington state patrol's request budget for 2003-05.

NEW SECTION. Sec. 209. A new section is added to 2001 2nd sp.s. c 14 (uncodified) to read as follows:

**FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU**

Multimodal Transportation Account--State

Appropriation \$ 5,088,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced: \$5,088,000 of the multimodal transportation account--state appropriation is a one time funding of general fund activities. The general fund will resume funding these activities beginning in the 2003-05 biennium.

Sec. 210. 2001 2nd sp.s. c 14 s 211 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--MANAGEMENT AND SUPPORT SERVICES**

Marine Fuel Tax Refund Account--State

Appropriation \$ ((7,000))

3,000

Motorcycle Safety Education Account--

State Appropriation \$ ((14,000))

88,000

Wildlife Account--State Appropriation \$ ((89,000))

81,000

Highway Safety Account--State Appropriation \$ ((7,740,000))

7,724,000

Highway Safety Account--Federal Appropriation \$ 55,000

Motor Vehicle Account--State Appropriation \$ ((4,230,000))

4,400,000

Licensing Services Account--State

Appropriation \$ ((123,000))

173,000

TOTAL APPROPRIATION \$ ((12,303,000))

12,524,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced:

(1) \$6,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$14,000 of the motor vehicle account--state appropriation and \$3,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(3) \$26,000 of the motor vehicle account--state appropriation and \$1,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$2,000 of the motor vehicle account--state appropriation and \$4,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$11,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 211. 2001 2nd sp.s. c 14 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--INFORMATION SYSTEMS**

Marine Fuel Tax Refund Account--State

Appropriation \$ 2,000

Motorcycle Safety Education Account--

State Appropriation \$ ((50,000))

13,000

Wildlife Account--State Appropriation \$ 34,000

Highway Safety Account--State Appropriation \$ ((5,655,000))

5,735,000

Highway Safety Account--Federal Appropriation \$ 31,000

Motor Vehicle Account--State Appropriation \$ ((3,304,000))

3,695,000

Licensing Services Account--State

Appropriation \$ ((292,000))

213,000

TOTAL APPROPRIATION \$ ((9,337,000))

9,723,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of licensing shall report to the legislative transportation committees on the progress of the expanded internet service no later than December 15, 2002.

(2) \$4,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$4,000 of the motor vehicle account--state appropriation and \$2,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(4) \$19,000 of the motor vehicle account--state appropriation and \$1,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amounts provided in this subsection shall lapse.

(5) \$1,000 of the motor vehicle account--state appropriation and \$3,000 of the highway safety account--state appropriation are provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(6) \$8,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 212. 2001 2nd sp.s. c 14 s 213 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--VEHICLE SERVICES**

Marine Fuel Tax Refund Account--

State Appropriation \$ 26,000

Wildlife Account--State Appropriation \$ 578,000

Motor Vehicle Account--State Appropriation \$ ((~~57,043,000~~))

58,191,000

Licensing Services Account--State

Appropriation \$ ((~~3,123,000~~))

4,240,000

TOTAL APPROPRIATION \$ ((~~60,770,000~~))

63,035,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for the activities referenced:

(1) \$82,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(2) \$376,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$77,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5354 in the form passed by the legislature. If Senate Bill No. 5354 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) The department shall work cooperatively with the national guard to develop and make available a national guard sticker which may be affixed to a license plate. The stickers shall be available upon application. The department shall charge a fee for the stickers sufficient to defray the costs of production.

(5) The department shall work cooperatively with the Washington state council of fire fighters to develop and make available a fire fighter sticker which may be affixed to a license plate. The stickers shall be available upon application to members of the international association of fire fighters. The department shall charge a fee for the stickers sufficient to defray the costs of production.

(6) \$22,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 213. 2001 2nd sp.s. c 14 s 214 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF LICENSING--DRIVER SERVICES**

Motorcycle Safety Education Account--

State Appropriation \$ ((~~2,223,000~~))

2,573,000

Highway Safety Account--State Appropriation \$ ((~~81,366,000~~))

82,175,000

Highway Safety Account--Federal Appropriation \$ 788,000

TOTAL APPROPRIATION \$ ((~~83,589,000~~))

85,536,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of licensing shall prepare a capital project plan adopting a process for using certificates of participation to purchase licensing services offices if the combined principle and interest payments are the same or less than existing or future leases on comparable facilities.

(2) \$21,000 of the highway safety fund--state appropriation is provided solely for the implementation of Senate Bill No. 6748 in the form passed by the legislature. If Senate Bill No. 6748 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(3) \$36,000 of the highway safety fund--state appropriation is provided solely for the implementation of Senate Bill No. 6814 in the form passed by the legislature. If Senate Bill No. 6814 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(4) \$162,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6461 in the form passed by the legislature. If Senate Bill No. 6461 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

(5) \$56,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 5626 in the form passed by the legislature. If Senate Bill No. 5626 is not enacted in the form passed by the legislature the amount provided in this subsection shall lapse.

Sec. 214. 2001 2nd sp.s. c 14 s 215 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MANAGEMENT AND FACILITIES--PROGRAM D--OPERATING**

Motor Vehicle Account--State Appropriation \$ ((~~50,649,000~~))

50,644,000

Motor Vehicle Account--Federal Appropriation \$ 400,000

TOTAL APPROPRIATION \$ ((~~51,049,000~~))

51,044,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity: \$3,296,000 of the motor vehicle account--state appropriation is provided solely for the implementation of Engrossed Senate Bill No. 6188.

Sec. 215. 2001 2nd sp.s. c 14 s 216 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F**

Aeronautics Account--State Appropriation \$ ((4,852,000)) 5,349,000

Aircraft Search and Rescue Safety and

Education Account--State Appropriation \$ 160,000

TOTAL APPROPRIATION \$ ((5,012,000))

5,509,000

**Sec. 216.** 2001 2nd sp.s. c 14 s 217 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I**

Motor Vehicle Account--State Appropriation \$ ((508,936,000))

417,472,000

Motor Vehicle Account--Federal Appropriation \$ ((219,538,000))

230,929,000

Motor Vehicle Account--Private/Local

Appropriation \$ ((40,904,000))

48,872,000

Tacoma Narrows Toll Bridge Account--State

Appropriation \$ 839,000,000

Special Category C Account--State

Appropriation \$ ((72,608,000))

49,608,000

~~((Multimodal Transportation Account--State~~

~~Appropriation \$ 4,880,000))~~

TOTAL APPROPRIATION \$ ((846,866,000))

1,585,881,000

The appropriations in this section are provided for the location, design, right of way acquisition, or construction of state highway projects designated as improvements under RCW 47.05.030. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The special category C account--state appropriation of ~~((72,608,000))~~ \$49,608,000 includes ~~((63,500,000))~~ \$41,500,000 in proceeds from the sale of bonds authorized in RCW 47.10.812. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(2) The department shall report December 1st and June 1st of each year to the senate and the house of representatives transportation committees and the office of financial management on the timing and the scope of work being performed for the regional transit authority known as sound transit. This report shall provide a description of all department activities related to the regional transit authority including investments in state-owned infrastructure.

(3) The motor vehicle account--state appropriation includes ~~((391,637,000))~~ \$348,364,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) ~~((At least \$554,714,000 of the total appropriation is provided for the construction phase of the improvement program--~~

~~((5))~~ \$4,880,000 of the ~~((multimodal transportation))~~ motor vehicle account--state appropriation is provided solely for the state program share of freight mobility projects as identified by the freight mobility strategic investment board.

~~((6))~~ (5) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department shall not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2002.

(6) The motor vehicle account--state appropriation includes \$3,898,000 in unexpended proceeds from the January 2001 bond sale authorized in RCW 47.10.834 for the Tacoma Narrows bridge project. The transportation commission may authorize the use of current revenues available to the department of transportation in-lieu of bond proceeds for any part of the state appropriation.

(7) The Tacoma narrows toll bridge account--state appropriation includes \$800,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(8) Upon completion of the Vancouver high-occupancy vehicle lanes pilot project that began on October 28, 2001, and concludes October 28, 2002, the department of transportation may only proceed with future high-occupancy vehicle lane projects in counties with a population of 300,000 or more that border the state of Oregon, when vehicle spaces at park and ride lots within the county are two and one-half times the capacity in existence on January 1, 2002, or if the Interstate 5 bridge over the Columbia River is retrofitted to include four southbound general purpose lanes.

**Sec. 217.** 2001 2nd sp.s. c 14 s 218 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION ECONOMIC PARTNERSHIPS--PROGRAM K--OPERATING**

Motor Vehicle Account--State Appropriation \$ ((1,153,000))

1,448,000

The appropriation in this section is subject to the following conditions and limitations: \$300,000 of the motor vehicle account--state appropriation is provided solely for a study of private-public partnerships in transportation. The department of transportation shall provide staff support to a legislative oversight committee that will manage a study of public-private partnerships in transportation. The legislative oversight committee will consist of three members from each caucus in each house of the legislature, appointed by the leadership of the legislators' respective caucus. The legislative oversight committee shall analyze and make recommendations on: (1) The barriers that prevent the private sector from providing transportation services, which could include ferry, bus, or monorail; (2) the use of public-private partnerships nationally and the experiences of other states in using public-private partnerships; (3) the public-private opportunities for transportation projects in Washington; and (4) the advantages and disadvantages of the financing options available for public-private partnerships. The legislative oversight committee shall report its findings and recommendations to the legislature by December 1, 2003.

**Sec. 218.** 2001 2nd sp.s. c 14 s 220 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M**

Motor Vehicle Account--State Appropriation \$ ((275,394,000))

275,380,000

Motor Vehicle Account--Federal Appropriation \$ 512,000  
 Motor Vehicle Account--Private/Local  
 Appropriation \$ 4,067,000  
 TOTAL APPROPRIATION \$ ((279,973,000)) 279,959,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

Sec. 219. 2001 2nd sp.s. c 14 s 221 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**

Motor Vehicle Account--State Appropriation \$ ((90,760,000)) 139,334,000  
 Motor Vehicle Account--Federal Appropriation \$ ((318,795,000)) 341,124,000  
 Motor Vehicle Account--Private/Local  
 Appropriation \$ ((8,717,000)) 7,202,000  
 Multimodal Transportation Account--State  
 Appropriation \$ ((64,218,000)) 14,000,000  
 Multimodal Transportation Account--Federal  
 Appropriation \$ ((95,682,000)) 56,000,000  
 TOTAL APPROPRIATION \$ ((578,172,000)) 557,660,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) If portions of the appropriations in this section are required to fund preservation work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations will be requested to restore state funding for ongoing maintenance activities.

(2) The motor vehicle account--state appropriation includes ~~(((\$6,524,000 for earthquake repairs and to match federal emergency relief funds. This amount includes))~~ \$3,750,000 in proceeds from the sale of bonds authorized in RCW 47.10.761 and 47.10.762 for emergency purposes. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(3) The motor vehicle account--state appropriation includes \$9,183,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department in lieu of bond proceeds for any part of the state appropriation.

(4) The department of transportation is authorized to maximize the use of federal and state funds to implement the provisions of this section.

~~(((\$471,763,000 of the total appropriation is provided for the construction phase of the preservation program--))~~

(5) The motor vehicle account--federal appropriation and the multimodal transportation account--federal appropriation are transferable between each other to ensure efficient funds management and program delivery.

(6) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2002.

(7) The department of transportation, with approval of the transportation commission, shall expend up to \$3,000,000 of the motor vehicle account--state appropriation on the incident response program. Spending on other projects within the preservation program shall be adjusted to accommodate these expenditures.

(8) The department of transportation, with approval of the transportation commission, shall expend funds appropriated under this section on the Alaska Way viaduct. Spending on other projects within the preservation program shall be adjusted to accommodate these expenditures.

Sec. 220. 2001 2nd sp.s. c 14 s 222 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q--OPERATING**

Motor Vehicle Account--State Appropriation \$ 32,402,000  
 Motor Vehicle Account--Private/Local  
 Appropriation \$ 125,000  
 TOTAL APPROPRIATION \$ 32,527,000

The appropriations in this section are subject to the following conditions and limitations: If Senate Bill No. 5949 is enacted in the form passed by the legislature, \$518,000 of the motor vehicle account--state appropriation shall lapse.

Sec. 221. 2001 2nd sp.s. c 14 s 224 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S**

State Patrol Highway Account--State  
 Appropriation \$ 926,000  
 Motor Vehicle Account--State Appropriation \$ ((94,632,000)) 95,755,000  
 Motor Vehicle Account--Federal Appropriation \$ 2,654,000  
 Puget Sound Ferry Operations Account--  
 State Appropriation \$ 6,642,000  
 Multimodal Transportation Account--State  
 Appropriation \$ ((2,082,000))

1,397,000

TOTAL APPROPRIATION \$ ~~((106,936,000))~~ 107,374,000

The appropriations in this section are subject to the following conditions and limitations: \$67,000 of the motor vehicle account--state appropriation is provided solely for the department of transportation to work jointly with the department of natural resources, the military department, and the Washington state patrol, in coordination with the state interoperability executive committee, on the development and implementation of a secure geographical information system (GIS) database to illustrate locations and specifications of statewide radio and microwave towers.

Sec. 222. 2001 2nd sp.s. c 14 s 225 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T**

Motor Vehicle Account--State Appropriation \$ ~~((18,250,000))~~ 11,496,000

Motor Vehicle Account--Federal Appropriation \$ 18,800,000

Multimodal Transportation Account--State Appropriation \$ 987,000

Multimodal Transportation Account--Federal Appropriation \$ 2,000,000

TOTAL APPROPRIATION \$ ~~((40,037,000))~~ 33,283,000

The appropriations in this section are subject to the following conditions and limitations and the specified amount is provided solely for that activity:

~~((1))~~ The motor vehicle account--state appropriation includes \$1,000,000 distributed under RCW 46.68.110(2):

~~((a))~~ (1) \$500,000 of the distribution under RCW 46.68.110(2) is to be used solely by the department of transportation to collect and enter collision reports into the statewide collision reporting system for local roadway planning and safety analysis.

~~((b))~~ (2) \$500,000 of the distribution under RCW 46.68.110(2) is provided solely to the department of transportation for the Washington strategic freight transportation analysis. The department shall work with the transportation research center to conduct an origin and destination study to determine the impacts of trade-related truck traffic and other truck impacts on the highway system. The department may also conduct other research elements, including, but not limited to, freight corridor identification, strategic resource access, and road network review.

~~((2)) \$6,754,000 of the motor vehicle account--state appropriation is provided for the implementation of Senate Bill No. 5749 in the form enacted by the legislature. If Senate Bill No. 5749 is not enacted in the form passed by the legislature by July 31, 2001, this funding shall lapse--))~~

Sec. 223. 2001 2nd sp.s. c 14 s 226 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES--PROGRAM U**

Payments in this section represent charges from other state agencies to the department of transportation.

(1) FOR PAYMENT OF DEPARTMENT OF GENERAL ADMINISTRATION OFFICE OF RISK MANAGEMENT FEES

Motor Vehicle Account--State Appropriation \$ 464,000

Puget Sound Ferry Operations--State Appropriation \$ 154,000

(2) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR

Motor Vehicle Account--State Appropriation \$ ~~((734,000))~~ 713,000

(3) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES

Motor Vehicle Account--State Appropriation \$ ~~((4,128,000))~~ 4,047,000

(4) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL

Motor Vehicle Account--State Appropriation \$ ~~((2,240,000))~~ 2,237,000

(5) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION

Motor Vehicle Account--State Appropriation \$ ~~((13,892,000))~~ 28,755,000

Motor Vehicle Fund--Puget Sound Ferry Operations Account--State Appropriation \$ 4,204,000

The office of risk management shall evaluate the risk pool premium assessments to ensure that proper tracking, measuring, and reporting methods have been utilized to ensure funding equity has been maintained. "Funding equity" includes but is not limited to demonstrating that premiums assessed to the department of transportation will, over time, not exceed claims paid in order to ensure that premiums paid by the department of transportation are not unconstitutionally expended for nonhighway purposes. The office of risk management shall make a full report of its findings to the legislature no later than January 15, 2002.

(6) FOR PAYMENT OF COSTS OF OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

Motor Vehicle Account--State Appropriation \$ 251,000

(7) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

Motor Vehicle Account--State Appropriation \$ 1,547,000

(8) FOR ARCHIVES AND RECORDS MANAGEMENT

Motor Vehicle Account--State Appropriation \$ ~~((469,000))~~ 457,000

TOTAL APPROPRIATION \$ ~~((28,080,000))~~ 42,829,000

Sec. 224. 2001 2nd sp.s. c 14 s 227 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V**

Multimodal Transportation Account--State Appropriation \$ ~~((11,160,000))~~ 10,960,000

Multimodal Transportation Account--Federal Appropriation \$ 3,074,000

Multimodal Transportation Account--Private/Local Appropriation \$ 205,000

TOTAL APPROPRIATION \$ ((14,439,000))

14,239,000

**Sec. 225.** 2001 2nd sp.s. c 14 s 228 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

Motor Vehicle Account--State

Appropriation \$ ((144,404,000))

134,390,000

Motor Vehicle Account--Federal

Appropriation \$ 37,472,000

Passenger Ferry Account--State Appropriation \$ 1,500,000

Passenger Ferry Account--Federal

Appropriation \$ 4,000,000

TOTAL APPROPRIATION \$ ((187,376,000))

177,362,000

The appropriations in this section are provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$50,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead time materials acquisition for the Washington state ferries. The transportation commission may authorize the use of current revenues available to the motor vehicle account in lieu of bond proceeds for any part of the state appropriation.

(2) Appropriations in this section include funding for the purchase or lease-purchase of one passenger ferry and assume the proceeds of the sale of the MV Kalama and MV Skagit passenger ferries shall be deposited in the passenger ferry account.

(3) The department shall provide staff support to a legislative oversight committee that will manage a study of the Eagle Harbor maintenance facility. The legislative oversight committee shall consist of two members from each caucus in each house of the legislature, appointed by the leadership of the members' respective caucus. The department shall issue a request for proposals on behalf of the legislative oversight committee for an outside consulting firm to conduct a study on the preservation, replacement, or supplementation of the Eagle Harbor maintenance facility. The study must analyze: (a) The costs and benefits to preserve and maintain or relocate the facility; (b) the impact of Eagle Harbor employment on the local community and Kitsap county; and (c) a recommendation on future investment in the Eagle Harbor maintenance facility or possible alternatives. The contractor and the legislative oversight committee must report back to the legislature's transportation committees no later than December 10, 2002.

**Sec. 226.** 2001 2nd sp.s. c 14 s 229 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X**

Puget Sound Ferry Operations Account--State

Appropriation \$ ((321,673,000))

311,312,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The appropriation is based on the budgeted expenditure of ((~~\$46,881,000~~)) \$35,159,000 for vessel operating fuel in the 2001-2003 biennium. If the actual cost of fuel is less than this budgeted amount, the excess amount may not be expended. If the actual cost exceeds this amount, the department shall request a supplemental appropriation.

(2) The appropriation provides for the compensation of ferry employees. The expenditures for compensation paid to ferry employees during the 2001-2003 biennium may not exceed ((~~\$206,696,000~~)) \$207,065,000 plus a dollar amount, as prescribed by the office of financial management, that is equal to any insurance benefit increase granted general government employees in excess of \$432.82 a month annualized per eligible marine employee multiplied by the number of eligible marine employees for the respective fiscal year, a dollar amount as prescribed by the office of financial management for costs associated with pension amortization charges, and a dollar amount prescribed by the office of financial management for salary increases during the 2001-2003 biennium. For the purposes of this section, the expenditures for compensation paid to ferry employees shall be limited to salaries and wages and employee benefits as defined in the office of financial management's policies, regulations, and procedures named under objects of expenditure "A" and "B" (7.2.6.2).

The prescribed salary and insurance benefit increase or decrease dollar amount that shall be allocated from the governor's compensation appropriations is in addition to the appropriation contained in this section and may be used to increase or decrease compensation costs, effective July 1, 2001, and thereafter, as established in the 2001-2003 general fund operating budget.

(3) The department shall issue a request for information from entities interested in purchasing advertising on board Washington state ferry vessels. The department shall evaluate the proposals and report back to the legislature's transportation committees in January 2002 regarding the potential for revenue from different types of advertising.

(4) The department may enter into contracts with private vendors to sell ferry tickets and medium at locations other than Washington state ferry terminals or facilities.

(a) The department may enter into the contracts only (i) with private vendors that are already established businesses offering goods for sale to the general public; and (ii) if it determines that the vendor's established location has the potential to serve a significant percentage of the customers using a particular ferry route.

(b) The department may adopt necessary rules and procedures to allow the use of credit and debit cards to purchase ferry tickets or medium from a private vendor who has contracted with the department to sell ferry tickets or medium. The department may establish a convenience fee to be paid by all persons purchasing ferry tickets and medium at locations other than Washington state ferry terminals or facilities. The convenience fee must be sufficient to offset the charges imposed on the department by the credit and debit card companies. In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state. The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

(5) ~~((The legislature recognizes that projected revenues to the Puget Sound ferry operating account for the 2001-2003 biennium may be up to \$30,000,000 less than what is required to fund the appropriation provided in this section. The legislature intends to fully evaluate the extent of the shortfall and make a supplemental appropriation during the 2002 legislative session.))~~ The legislature recognizes the value of a regional fare collection system to promote intermodal travel throughout Washington state ferries' Puget Sound service area and therefore encourages the department to resume participation in the regional fare coordination project (smart card). The department shall develop a request for funding of the on-going operating costs associated with the regional fare coordination project and shall present this request to the 2003 legislature. The request for funding shall be sufficient to support a system that prevents the disclosure of personally identifying information of persons who use a smart card to facilitate payment of ferry fares. The requested system may facilitate the disclosure of aggregate information on fare collection to governmental agencies or groups concerned with public transportation or public safety as long as the data does not contain any personally identifying information. The requested system shall not prevent the release of personally identifying information to law enforcement agencies when required by a subpoena.

**Sec. 227.** 2001 2nd sp.s. c 14 s 230 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING**  
 Multimodal Transportation Account--State  
 Appropriation \$ ((32,704,000))  
33,001,000

**Sec. 228.** 2001 2nd sp.s. c 14 s 231 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**  
 Essential Rail Assistance Account--State  
 Appropriation \$ ((200,000))

Multimodal Transportation Account--State 600,000  
 Appropriation \$ ((11,610,000))  
 Multimodal Transportation Account--Federal 10,710,000

Appropriation \$ 9,630,000  
 Washington Fruit Express Account--State  
 Appropriation \$ 500,000  
 TOTAL APPROPRIATION \$ ((21,940,000))

21,440,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) \$2,000,000 of the multimodal transportation account--state appropriation is provided solely for the Grays Harbor loop project.

(2) The entire Washington fruit express account is provided solely to promote the shipment of a variety of agricultural products, including, but not limited to, apples, pears, and potatoes.

**Sec. 229.** 2001 2nd sp.s. c 14 s 232 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--OPERATING**  
 Motor Vehicle Account--State Appropriation \$ ((6,231,000))

6,383,000

Motor Vehicle Account--Federal Appropriation \$ 2,569,000  
 Multimodal Transportation Account--State  
 Appropriation \$ 150,000  
 TOTAL APPROPRIATION \$ ((8,950,000))

9,102,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle account--state appropriation includes \$150,000 distributed under RCW 46.68.110(2) that is provided to the Whatcom county council of governments for the sole purpose of developing and implementing a model of regional transportation governance. This model shall be developed in accordance with Recommendation 6 of the Blue Ribbon Commission on Transportation's final report.

The council shall develop a model that can be used in other parts of the state and shall report to the transportation committees in the senate and house of representatives on the positive and negative aspects of the model as well as costs associated with it no later than June 30, 2002.

(2) \$250,000 of the motor vehicle account--state appropriation is provided solely for a study of concurrency issues in urban areas marked by multiple contiguous jurisdictions. The study, lead by the city of Bellevue, will focus on the jurisdictions of Bellevue, Kirkland, Issaquah, and Redmond and will look at existing and unused methodologies for including development in neighboring jurisdictions in concurrency calculations. The study will also investigate what changes in state and local laws are needed in order to provide a more effective way of dealing with concurrency issues. By November 1, 2003, a report of the findings will be made to the transportation committees of the legislature. The appropriation in this subsection shall lapse unless the participating cities provide \$100,000 for the study. To the extent possible, state funding for this subsection shall utilize funds allocated under RCW 46.68.110(2).

(3) Up to \$500,000 of the motor vehicle account--state appropriation is provided solely for the study of alternatives for repairing or replacing the Seattle sea wall. The department's expenditure of funds provided in this subsection may not exceed the matching contribution provided by the city of Seattle for the study.

**Sec. 230.** 2001 2nd sp.s. c 14 s 233 (uncodified) is amended to read as follows:  
**FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL**  
 Motor Vehicle Account--State Appropriation \$ ((77,371,000))

77,221,000

Highway Infrastructure Account--State  
 Appropriation \$ 234,000  
 Highway Infrastructure Account--Federal  
 Appropriation \$ 1,500,000  
 Urban Arterial Trust Account--State  
 Appropriation \$ ((4,674,000))

4,332,000

Multimodal Transportation Account--State  
 Appropriation \$ ((10,150,000))

10,300,000

TOTAL APPROPRIATION \$ ((93,929,000))

93,587,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:  
 ((2)) (1) \$10,000,000 of the multimodal transportation account--state appropriation is provided solely to fund the first phase of a multiphase cooperative project with the state of Oregon to dredge the Columbia river. The department shall not expend the appropriation in this section unless agreement on ocean disposal sites has been reached which protects the state's commercial crab fishery. The amount provided in this subsection shall lapse unless the state of Oregon appropriates a dollar-for-dollar match to fund its share of the project.

((3)) (2) The motor vehicle account--state appropriation includes ((12,000,000)) \$46,090,000 in proceeds from the sale of bonds authorized by RCW 47.10.843 in addition to \$16,420,000 in unexpended proceeds from the January 2001 sale. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

((4)) (3) \$4,159,000 of the motor vehicle account--state appropriation is provided solely for additional small city pavement preservation program grants, to be administered by the department's highways and local programs division.

((5)) (4) \$2,000,000 of the motor vehicle account--state appropriation is provided solely for additional traffic and pedestrian safety improvements near schools. The highways and local programs division within the department of transportation shall administer this program.

(5) To manage some projects more efficiently, federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the transportation commission and the director of financial management. The department shall submit a report on those projects receiving fund transfers to the transportation committees of the senate and house of representatives by December 1, 2002.

#### TRANSPORTATION AGENCIES CAPITAL FACILITIES

Sec. 301. 2001 2nd sp.s. c 14 s 301 (uncodified) is amended to read as follows:

##### FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State		
Appropriation	\$ 780,000	
Motor Vehicle Account--State Appropriation	\$ ((2,705,000))	
		<u>1,830,000</u>
TOTAL APPROPRIATION	\$ ((3,485,000))	<u>2,610,000</u>

#### TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2001 2nd sp.s. c 14 s 401 (uncodified) is amended to read as follows:

##### FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	\$ ((207,900,000))	
		<u>208,206,000</u>
Ferry Bond Retirement Account Appropriation	\$ ((48,675,000))	
		<u>52,473,000</u>
Transportation Improvement Board Bond Retirement		
Account--State Appropriation	\$ 40,856,000	
Motor Vehicle Account--State Appropriation	\$ ((4,537,000))	
		<u>4,588,000</u>
Special Category C Account--State Appropriation	\$ ((635,000))	
		<u>631,000</u>
Transportation Improvement Account--State		
Appropriation	\$ ((473,000))	
		<u>340,000</u>
TOTAL APPROPRIATION	\$ ((303,076,000))	<u>307,094,000</u>

Sec. 402. 2001 2nd sp.s. c 14 s 402 (uncodified) is amended to read as follows:

##### FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Motor Vehicle Account--State Appropriation	\$ ((450,000))	
		<u>459,000</u>
Special Category C Account Appropriation	\$ ((63,000))	
		<u>41,000</u>
Transportation Improvement Account--State		
Appropriation	\$ ((47,000))	
		<u>34,000</u>
TOTAL APPROPRIATION	\$ ((560,000))	<u>534,000</u>

Sec. 403. 2001 2nd sp.s. c 14 s 403 (uncodified) is amended to read as follows:

##### FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

<del>(Motor Vehicle Account Appropriation for motor vehicle fuel tax refunds and distributions \$ 458,895,000)</del>		
Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties	\$ ((428,546,000))	
		<u>428,981,000</u>

~~((Motor Vehicle Account Appropriation for license, permit, and fee distribution to other accounts \$ 349,936,000))~~

Sec. 404. 2001 2nd sp.s. c 14 s 406 (uncodified) is amended to read as follows:

##### FOR THE STATE TREASURER--TRANSFERS

(1) RV Account--State Appropriation:		
For transfer to the Motor Vehicle Fund--State	\$ ((1,135,000))	
		<u>1,344,000</u>

The department of transportation shall only transfer funds provided under subsection (1) of this section on an as-needed basis.

(2) Public Transportation Systems Account--		
State Appropriation: For transfer to the Multimodal Transportation Account--State	\$ 1,911,000	
(3) State Patrol Highway Account--State		
Appropriation: For transfer to the Motor Vehicle Account	\$ ((38,657,000))	
		<u>48,657,000</u>

(4) Motor Vehicle Account--State  
Appropriation: For motor vehicle fuel tax  
refunds and transfers \$ 453,279,000

(5) Motor Vehicle Account--State  
Appropriation: For license, permit, and  
fee transfers to other accounts \$ 350,669,000

(6) Urban Arterial Trust Account--State

Appropriation: For transfer of excess City  
Hardship Assistance Program revenues to  
cities \$ 1,500,000

(7) Highway Safety Account--State

Appropriation: For transfer to the multimodal  
transportation account \$ 20,000,000

(8) Motor Vehicle Account--State

Appropriation: For transfer to the Tacoma  
Narrows toll bridge account \$ 839,000,000

(9) Highway Safety Account--State

Appropriation: For transfer to the motor  
vehicle account--state \$ 5,000,000

~~((If House Bill No. 2216 or Senate Bill No. 5078 is enacted in the form passed by the legislature, the \$38,737,000 transfer from the state patrol highway account--state to the motor vehicle account is null and void. If neither House Bill No. 2216 nor Senate Bill No. 5078 is enacted in the form~~

~~passed by the legislature, the state treasurer shall transfer funds from the state patrol highway account to the motor vehicle account on a quarterly basis:-))~~

~~(1) If Senate Bill No. 6814 is enacted in the form passed by the legislature, \$16,191,000 of the transfer from the Washington state patrol account--state to the motor vehicle account--state shall lapse. The state treasurer shall perform the transfers from the state patrol highway account to the motor vehicle account on a quarterly basis.~~

~~(2) The department of transportation is authorized to sell up to \$800,000,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.~~

~~Sec. 405. 2001 2nd sp.s. c 14 s 407 (uncodified) is amended to read as follows:~~

~~**FOR THE DEPARTMENT OF TRANSPORTATION--TRANSFERS**~~

~~(1) Motor Vehicle Fund--State Appropriation:~~

~~For transfer to Puget Sound Ferry Operations  
Account \$ ((27,000,000))~~

38,300,000

~~(2) Advanced Right of Way Revolving Account~~

~~Appropriation: For transfer to the Motor  
Vehicle Fund \$ 15,000,000~~

**PROVISIONS NECESSARY TO IMPLEMENT APPROPRIATIONS**

NEW SECTION. Sec. 501. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 502. The following bills are necessary to implement this act: Senate Bill No. 6814 in the form enacted by the legislature.

Sec. 503. 2000 2nd sp.s. c 1 s 724 (uncodified) is amended to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT--REGIONAL TRANSIT AUTHORITY.** (1) The sum of twelve million seven hundred thousand dollars is appropriated from the general fund--state for fiscal year 2001 solely for allocation to Sound Transit regional transit authority for the King street rail maintenance facility to be built in partnership with Amtrak. The appropriation in this subsection is conditioned on the execution of agreements between the department of transportation, Amtrak, Sound Transit, and other participating parties that will assure that the maintenance and operation of the maintenance facility will not require state funding except for billings for maintenance of state-owned passenger trains.

(2) The sum of fifteen million dollars is appropriated from the state general fund for fiscal year 2000 solely for allocation to Sound Transit regional transit authority as a state contribution to the extension of Sounder passenger rail service to Everett.

(3) The amounts appropriated in this section constitute a transfer of local government costs under RCW 43.135.060(2).

NEW SECTION. Sec. 504. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

**MOTIONS**

On motion of Senator Betti Sheldon, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "amending 2001 2nd sp.s. c 14 ss 102, 203, 204, 205, 206, 202, 207, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 220, 221, 222, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 301, 401, 402, 403, 406, and 407 (uncodified); amending 2000 2nd sp.s. c 1 s 724 (uncodified); adding new sections to 2001 2nd sp.s. c 14 (uncodified); creating a new section; making appropriations; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2451, as amended by the Senate, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

**POINT OF INQUIRY**

Senator Swecker: "Senator Haugen, this supplemental transportation budget does not appear to include funding the I-5 Chehalis flood control project, but my understanding is that there is still available money for the Lewis County interchanges, which would be constructed under a new law budget. Do we need to move funds from the interchanges to keep the flood control project going?"

Senator Haugen: "Thank you, Senator, for that question. I have spoken with the Department of Transportation, and they assured me that they have already taken steps to move money from the Lewis County interchange projects to the Chehalis flood control project, so that we do not need to make those changes in the budget. The new law budget which we

are negotiating contains sufficient funding to keep both the interchanges and the flood control projects moving. For purposes of this budget for the rest of this year, the department has already made the shift and there is money to keep the flood control project going until we get a new law budget. Does that answer your question, Senator?"

Senator Swecker: "Yes, it does. Thank you, Senator."

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2451, as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2451, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Hargrove, Haugen, Hewitt, Hochstatter, Honeyford, Horn, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Roach, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 48.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2451, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTIONS

On motion of Senator Betti Sheldon, Engrossed Substitute House Bill No. 2451, as amended by the Senate, was ordered to be immediately transmitted to the House of Representatives.

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

#### MESSAGE FROM THE HOUSE

March 13, 2002

MR. PRESIDENT:

The House adheres to its position regarding the House amendment(s) to ENGROSSED SUBSTITUTE SENATE BILL NO. 6704 and asks the Senate to concur therein., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

#### MOTION

On motion of Senator Hargrove, the Senate refuses to concur and insists on its position regarding the House amendment(s) to Engrossed Substitute Senate Bill No. 6704 and asks the House to concur therein.

#### MESSAGE FROM THE HOUSE

March 14, 2002

MR. PRESIDENT:

The House refuses to concur in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2969 and asks the House to recede therefrom., and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

#### MOTIONS

On motion of Senator Haugen, the Senate receded from its amendment(s) to Engrossed Substitute House Bill No. 2969.

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2969 was returned to second reading and read the second time.

#### MOTION

Senator Haugen moved that the following striking amendment be adopted:  
Strike everything after the enacting clause and insert the following:

#### **"PART I - ACCOUNTABILITY FOR TRANSPORTATION PROJECTS AND PROGRAMS**

**NEW SECTION. Sec. 101.** It is essential that the legislature improve the accountability and efficiency of the department of transportation. Taxpayers must know that their tax dollars are being well spent to deliver critically needed transportation projects. To accomplish this, a transportation accountability process must be established to provide oversight on transportation projects. The legislative transportation accountability committee will replace and assume the duties and responsibilities of the legislative transportation committee and, additionally, in conjunction with an independent transportation accountability board, report to the public on how tax dollars are spent on projects funded by new transportation taxes under this act.

**NEW SECTION. Sec. 102.** In addition to the legislative transportation accountability committee's other responsibilities under this chapter, the committee has the following responsibilities:

(1) Direct the department of transportation to submit a transportation accountability audit report as required under section 103 of this act;

(2) Report annually to the governor and the legislature on the department's progress on each project as further defined in section 103 of this act;

(3) When necessary, make policy recommendations for improving efficiencies, savings, or improvements in the department's project management, accountability measures, or project delivery mechanisms;

(4) Recommend any leading edge transportation project delivery strategies, oversight, accountability, or efficiency measures; and

(5) Appoint members of the transportation accountability board as nominated by the governor pursuant to section 106 of this act.

**NEW SECTION. Sec. 103.** The department of transportation shall prepare and submit to the transportation commission once each quarter a comprehensive audit report on each transportation project funded by this act. The audit report shall be known as the "transportation accountability audit." For the purposes of this act, the audit must include the following elements:

(1) Project status and any scope changes;

(2) Estimated completion date and cost, noting any changes from past estimates;

(3) Actual project expenditures as compared with projected expenditures;

(4) Any changes in financing for each project;

(5) Claim or change orders that result in greater than a five-percent cumulative increase in project cost, or greater than sixty days of delay;

(6) Status of any required permits;

(7) Mitigation efforts to relieve both traffic and environmental impacts;

(8) Evaluation of work force effectiveness, including both state employees and contractors;

(9) Outlook for the upcoming year, including projected accomplishments and challenges;

(10) Copies of any accountability reports filed with the federal highway administration; and

(11) Any other useful information the committee or commission requests.

**NEW SECTION. Sec. 104.** The transportation commission must review the proposed transportation accountability audit submitted by the department. After reviewing the information contained therein, the commission may request additional information or data, or ask for clarifications. The commission is prohibited from changing any of the data contained in the audit report.

After conducting its review, the commission must forward the transportation accountability audit to the legislative transportation accountability committee and the transportation accountability board.

**NEW SECTION. Sec. 105.** (1) Upon completion of its review under section 104 of this act, the transportation commission shall forward the transportation accountability audit to the transportation accountability board and the legislative transportation accountability committee. The transportation accountability board will accept or reject the report.

(a) In determining whether to accept or reject the report, the board:

(i) Will analyze, investigate, and evaluate the data contained in the audit report;

(ii) May, when authorized by the legislative transportation accountability committee, contract out for planners, consultants, and other technical personnel to assist in the audit review process; and

(iii) May request additional information or data from the department of transportation.

(b) As part of the evaluation process, the board may make recommendations to the legislative transportation accountability committee for efficiencies, savings, or improvements in the department's project management, accountability measures, or project delivery mechanisms.

(2) After reviewing the report, the board must forward the transportation accountability audit and recommendations to the office of financial management and the legislative transportation accountability committee.

(3) The legislative transportation accountability committee must make the transportation accountability audit report available to the public.

(4) In addition to its regular staff, the legislative transportation accountability committee is authorized to contract out for planners, consultants, and other technical personnel to advise it, or the board at its request, in the performance of its duties, assist in the review of the transportation accountability audit, and to assist in other audits initiated by the committee.

(5) Staff support to the board must be provided by the legislative transportation accountability committee, which shall provide professional support for the duties, functions, responsibilities, and activities of the board, including but not limited to information technology systems; data collection, processing, analysis, and reporting; project management; and office space, equipment, and secretarial support. The legislative evaluation and accountability program will provide data and information technology support consistent with the support currently supplied to existing legislative committees.

**NEW SECTION. Sec. 106.** (1) The transportation accountability board is created.

(2) The board will consist of no fewer than five and no more than nine members nominated by the governor, and selected by the legislative transportation accountability committee, for terms of four years, except that at least half the members initially appointed will be appointed for terms of two years. The members of the board must be chosen so the board will have experience and expertise relating to major civil engineering and construction works and facilities to include: (a) Design, estimating, contract packaging, and procurement; (b) construction means and methods and construction management and administration; (c) project finance, accounting, controls, and reporting; (d) procedures for obtaining permits and for assuring regulatory compliance; (e) dispute resolution; (f) construction work force training and safety; (g) general public administration; and (h) experience crafting and implementing environmental mitigation plans.

(3) The legislative transportation accountability committee may not remove members from the board before the expiration of their terms unless for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

(4) No member may be appointed for more than three consecutive terms.

**NEW SECTION. Sec. 107.** (1) The board shall meet periodically. It may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members. The board shall be compensated from the general appropriation for the legislative transportation accountability committee and in accordance with RCW 43.03.250.

(2) Each member of the board will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chairman. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chairman may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

(3) The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

**NEW SECTION. Sec. 108.** Sections 101 through 107 of this act are each added to chapter 44.40 RCW.

**Sec. 109.** RCW 44.40.010 and 1999 sp.s. c 1 s 616 are each amended to read as follows:

The joint fact-finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, recreated and renamed the legislative transportation committee by chapter 87, Laws of 1980, is hereby recreated and renamed the legislative transportation accountability

committee. The renaming of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation accountability committee. The committee shall consist of twelve senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. Not more than six members from each house may be from the same political party. A list of appointees shall be submitted before the close of each regular legislative session during an odd-numbered year or any successive special session convened by the governor or the legislature prior to the close of such regular session or successive special session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority. All vacancies must be filled from the same political party and from the same house as the member whose seat was vacated.

~~((On May 27, 1999, the president of the senate shall appoint an additional senate member as provided by the 1999 amendment of this section. With the appointment of the additional member, the terms of officers elected before May 27, 1999, are terminated, and the committee shall hold a new election of officers.))~~

The committee shall adopt rules and procedures for its orderly operation.

**Sec. 110.** RCW 44.40.013 and 2001 c 259 s 5 are each amended to read as follows:

The administration of the legislative transportation accountability committee is subject to RCW 44.04.260.

**Sec. 111.** RCW 44.40.015 and 2001 c 259 s 6 are each amended to read as follows:

The members of the legislative transportation accountability committee shall form an executive committee consisting of two members from each of the four major political caucuses, which will include the chair and vice-chair of the legislative transportation accountability committee. There will be four alternates to the executive committee, one from each of the four major political caucuses. Each alternate may represent a member from the same political caucus from which they were chosen when that member is absent, and have voting privileges during that absence.

Subject to RCW 44.04.260, the executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the committee, determining the number of legislative transportation accountability committee staff, and other duties delegated to it by the committee. Except when those responsibilities are assumed by the legislative transportation accountability committee, and subject to RCW 44.04.260, the executive committee is responsible for adopting interim work plans and meeting schedules, approving all contracts signed on behalf of the committee, and setting policies for legislative transportation accountability committee staff utilization.

**Sec. 112.** RCW 44.40.020 and 1996 c 129 s 9 are each amended to read as follows:

(1) The committee is authorized and directed to continue its studies and for that purpose shall have the powers set forth in chapter 111, Laws of 1947. The committee is further authorized to make studies related to bills assigned to the house and senate transportation committees and such other studies as provided by law. The executive committee of the committee may assign responsibility for all or part of the conduct of studies to the house and/or senate transportation committees.

(2) The committee may review and approve franchise agreements entered into by the department of transportation under RCW ((43.51.113)) 79A.05.125.

**Sec. 113.** RCW 44.40.025 and 1996 c 288 s 49 are each amended to read as follows:

In addition to the powers and duties authorized in RCW 44.40.020, the committee and the standing committees on transportation of the house and senate shall, in coordination with the joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds or accounts related to transportation programs of the state.

The joint legislative audit and review committee, the legislative evaluation and accountability program committee, and the ways and means committees of the senate and house of representatives shall coordinate their activities with the legislative transportation accountability committee in carrying out the committees' powers and duties under chapter 43.88 RCW in matters relating to the transportation programs of the state.

**Sec. 114.** RCW 44.40.030 and 1982 c 227 s 17 are each amended to read as follows:

In addition to the powers and duties heretofore conferred upon it, the legislative transportation accountability committee may participate in: (1) The activities of committees of the council of state governments concerned with transportation activities; (2) activities of the national committee on uniform traffic laws and ordinances; (3) any interstate reciprocity or proration meetings designated by the department of licensing; and (4) such other organizations as it deems necessary and appropriate.

**Sec. 115.** RCW 44.40.040 and 2001 c 259 s 7 are each amended to read as follows:

The members of the legislative transportation accountability committee and the house and senate transportation committees shall receive allowances while attending meetings of the committees or subcommittees and while engaged in other authorized business of the committees as provided in RCW 44.04.120. Subject to RCW 44.04.260, all expenses incurred by the committee, and the house and senate transportation committees, including salaries of employees of the legislative transportation accountability committee, shall be paid upon voucher forms as provided by the office of financial management and signed by the chairman or vice chairman or authorized designee of the chairman of the committee, and the authority of said chairman or vice chairman to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee.

**Sec. 116.** RCW 44.40.070 and 1998 c 245 s 87 are each amended to read as follows:

Prior to October 1st of each even-numbered year all state agencies whose major programs consist of transportation activities, including the department of transportation, the transportation improvement board, the Washington state patrol, the department of licensing, the traffic safety commission, the county road administration board, and the board of pilotage commissioners, shall adopt or revise, after consultation with the legislative transportation accountability committee, a comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The comprehensive six-year program and financial plan shall state the general objectives and needs of each agency's major transportation programs, including workload and performance estimates.

**Sec. 117.** RCW 44.40.090 and 2001 c 259 s 8 are each amended to read as follows:

Subject to RCW 44.04.260, powers and duties enumerated by this chapter shall be delegated to the senate and house transportation committees during periods when the legislative transportation accountability committee is not appointed.

**Sec. 118.** RCW 44.40.100 and 2001 c 259 s 9 are each amended to read as follows:

Subject to RCW 44.04.260, the legislative transportation accountability committee and the senate and house transportation committees may enter into contracts on behalf of the state to carry out the purposes of this chapter; and it or they may act for the state in the initiation of or participation in any multigovernmental program relative to transportation planning or programming; and it or they may enter into contracts to receive federal or other funds, grants, or gifts to carry out said purposes and to be used in preference to or in combination with state funds. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees.

**Sec. 119.** RCW 44.40.140 and 1983 c 212 s 2 are each amended to read as follows:

Prior to the start of each regular legislative session in an odd-numbered year, the legislative transportation accountability committee shall review the policy of the state concerning fees imposed on nonpolluting fuels under RCW 82.38.075, and shall report its findings and recommendations for change, if any, to the legislature.

**Sec. 120.** RCW 44.40.150 and 1998 c 245 s 88 are each amended to read as follows:

(1) The legislative transportation accountability committee shall undertake a study and develop recommendations for legislative and executive consideration that will:

- (a) Increase the efficiency and effectiveness of state transportation programs and reduce costs;
- (b) Enhance the accountability and organizational soundness of all transportation modes;
- (c) Encourage better communication between local jurisdictions and the department of transportation in developing engineering plans and subsequent construction projects;
- (d) Encourage private sector support and financial participation in project development and construction of transportation projects;
- (e) Develop long-range goals that reflect changing technology and state-of-the-art advancements in transportation;
- (f) Explore alternatives for the establishment of an integrated and balanced multimodal statewide transportation system to meet the needs of the 21st century; and

(g) Explore ways to reduce the demand on the transportation system and more effectively use the existing system.

The committee may study other transportation needs and problems and make further recommendations.

(2) The office of financial management and the department of transportation shall provide staff support as required by the legislative transportation accountability committee in developing the recommendations. To the extent permitted by law, all agencies of the state shall cooperate fully with the legislative transportation accountability committee in carrying out its duties under this section.

(3) The legislative transportation accountability committee may receive and expend gifts, grants, and endowments from private sector sources to carry out the purpose of this section.

## PART II - LICENSE FEES

**NEW SECTION. Sec. 201.** A new section is added to chapter 46.04 RCW to read as follows:

"Gross weight portion of the current combined licensing fees" means the amounts listed in RCW 46.16.070, Schedule A, less twenty-five dollars and seventy-five cents, and the amounts listed in Schedule B, less twenty-five dollars and seventy-five cents and less an additional ninety dollars if the requested gross weight is over forty thousand pounds.

**Sec. 202.** RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to ~~((the excise tax prescribed in chapter 82.44 RCW and))~~ the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight ~~((thereof pursuant to the provisions of))~~ under chapter 46.44 RCW, the following licensing fees by such gross weight:

DECLARED A SCHEDULE B	GROSS	WEIGHT SCHEDULE
	<i>4,000 lbs.</i>	<i>\$ 37.00 \$ 37.00</i>
	<i>6,000 lbs.</i>	<i>\$ 44.00 \$ 44.00</i>
	<i>8,000 lbs.</i>	<i>\$ 55.00 \$ 55.00</i>
	<i>10,000 lbs.</i>	<i>\$ 62.00 \$ 62.00</i>
	<i>12,000 lbs.</i>	<i>\$ 72.00 \$ 72.00</i>
	<i>14,000 lbs.</i>	<i>\$ 82.00 \$ 82.00</i>
	<i>16,000 lbs.</i>	<i>\$ 92.00 \$ 92.00</i>
	<i>18,000 lbs.</i>	<i>\$ 137.00 \$ 137.00</i>
	<i>20,000 lbs.</i>	<i>\$ 152.00 \$ 152.00</i>
	<i>22,000 lbs.</i>	<i>\$ 164.00 \$ 164.00</i>
	<i>24,000 lbs.</i>	<i>\$ 177.00 \$ 177.00</i>
	<i>26,000 lbs.</i>	<i>\$ 187.00 \$ 187.00</i>
	<i>28,000 lbs.</i>	<i>\$ 220.00 \$ 220.00</i>
	<i>30,000 lbs.</i>	<i>\$ 253.00 \$ 253.00</i>
	<i>32,000 lbs.</i>	<i>\$ 304.00 \$ 304.00</i>
	<i>34,000 lbs.</i>	<i>\$ 323.00 \$ 323.00</i>
	<i>36,000 lbs.</i>	<i>\$ 350.00 \$ 350.00</i>
	<i>38,000 lbs.</i>	<i>\$ 384.00 \$ 384.00</i>
	<i>40,000 lbs.</i>	<i>\$ 439.00 \$ 439.00</i>
	<i>42,000 lbs.</i>	<i>\$ 456.00 \$ 546.00</i>
	<i>44,000 lbs.</i>	<i>\$ 466.00 \$ 556.00</i>
	<i>46,000 lbs.</i>	<i>\$ 501.00 \$ 591.00</i>
	<i>48,000 lbs.</i>	<i>\$ 522.00 \$ 612.00</i>
	<i>50,000 lbs.</i>	<i>\$ 566.00 \$ 656.00</i>
	<i>52,000 lbs.</i>	<i>\$ 595.00 \$ 685.00</i>
	<i>54,000 lbs.</i>	<i>\$ 642.00 \$ 732.00</i>
	<i>56,000 lbs.</i>	<i>\$ 677.00 \$ 767.00</i>
	<i>58,000 lbs.</i>	<i>\$ 704.00 \$ 794.00</i>
	<i>60,000 lbs.</i>	<i>\$ 750.00 \$ 840.00</i>
	<i>62,000 lbs.</i>	<i>\$ 804.00 \$ 894.00</i>
	<i>64,000 lbs.</i>	<i>\$ 822.00 \$ 912.00</i>
	<i>66,000 lbs.</i>	<i>\$ 915.00 \$ 1,005.00</i>
	<i>68,000 lbs.</i>	<i>\$ 954.00 \$ 1,044.00</i>
	<i>70,000 lbs.</i>	<i>\$ 1,027.00 \$ 1,117.00</i>
	<i>72,000 lbs.</i>	<i>\$ 1,098.00 \$ 1,188.00</i>
	<i>74,000 lbs.</i>	<i>\$ 1,193.00 \$ 1,283.00</i>
	<i>76,000 lbs.</i>	<i>\$ 1,289.00 \$ 1,379.00</i>
	<i>78,000 lbs.</i>	<i>\$ 1,407.00 \$ 1,497.00</i>
	<i>80,000 lbs.</i>	<i>\$ 1,518.00 \$ 1,608.00</i>

82,000 lbs.	\$ 1,623.00	\$ 1,713.00
84,000 lbs.	\$ 1,728.00	\$ 1,818.00
86,000 lbs.	\$ 1,833.00	\$ 1,923.00
88,000 lbs.	\$ 1,938.00	\$ 2,028.00
90,000 lbs.	\$ 2,043.00	\$ 2,133.00
92,000 lbs.	\$ 2,148.00	\$ 2,238.00
94,000 lbs.	\$ 2,253.00	\$ 2,343.00
96,000 lbs.	\$ 2,358.00	\$ 2,448.00
98,000 lbs.	\$ 2,463.00	\$ 2,553.00
100,000 lbs.	\$ 2,568.00	\$ 2,658.00
102,000 lbs.	\$ 2,673.00	\$ 2,763.00
104,000 lbs.	\$ 2,778.00	\$ 2,868.00
105,500 lbs.	\$ 2,883.00	\$ 2,973.00

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(2) Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

~~(3)(a) Beginning with all motor vehicle registrations that are due or become due on January 1, 2002, there will be paid and collected annually a fifteen percent surcharge on the gross weight portion of the combined licensing fees in effect January 1, 2002, for vehicles with a licensed gross weight over ten thousand pounds.~~

~~(b) Beginning with all motor vehicle registrations that are due or become due on January 1, 2003, and thereafter, there will be paid and collected annually a thirty percent surcharge on the gross weight portion of the combined licensing fees in effect January 1, 2002, for vehicles with a licensed gross weight over ten thousand pounds.~~

(4) The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

~~((2))~~ (5) The proceeds from the fees collected under ~~(subsection (4) of)~~ this section shall be distributed in accordance with RCW 46.68.035.

**Sec. 203.** RCW 46.68.035 and 2000 2nd sp.s. c 4 s 8 are each amended to read as follows:

All proceeds from combined vehicle licensing fees received by the director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall be forwarded to the state treasurer to be distributed into accounts according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) ~~The proceeds from the surcharge collected under RCW 46.16.070(3) must be deposited into the motor vehicle account.~~

(3) The remainder shall be distributed as follows:

(a) 23.677 percent shall be deposited into the state patrol highway account of the motor vehicle fund;

(b) 1.521 percent shall be deposited into the Puget Sound ferry operations account of the motor vehicle fund; and

(c) The remaining proceeds shall be deposited into the motor vehicle fund.

**NEW SECTION. Sec. 204.** A new section is added to chapter 46.68 RCW to read as follows:

The freight mobility account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for the purpose of roadway improvement projects to facilitate freight movement.

**Sec. 205.** RCW 43.84.092 and 2001 2nd sp.s. c 14 s 608, 2001 c 273 s 6, 2001 c 141 s 3, and 2001 c 80 s 5 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the

department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the emergency reserve fund, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public health supplemental account, the Puyallup tribal settlement account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the freight mobility account, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

### PART III - FUEL TAX

**Sec. 301.** RCW 82.36.025 and 1999 c 269 s 16 and 1999 c 94 s 29 are each reenacted and amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon (~~shall apply~~) applies to the sale, distribution, or use of motor vehicle fuel.

(2) Beginning January 1, 2002, an additional and cumulative motor fuel tax rate of five cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(3) Beginning January 1, 2003, an additional and cumulative motor vehicle fuel tax rate of four cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

**Sec. 302.** RCW 82.38.030 and 2001 c 270 s 6 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate (~~computed in the manner provided in RCW 82.36.025 on each~~) of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning January 1, 2002, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(3) Beginning January 1, 2003, an additional and cumulative special fuel tax rate of four cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(4) The tax is imposed (~~by subsection (1) of this section is imposed~~) when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee;

or

(ii) The removal is at the refinery rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(c) Special fuel enters into this state for sale, consumption, use, or storage if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

(e) Blended special fuel is removed or sold in this state by the blender of the fuel. The number of gallons of blended special fuel subject to tax is the difference between the total number of gallons of blended special fuel removed or sold and the number of gallons of previously taxed special fuel used to produce the blended special fuel;

(f) Dyed special fuel is used on a highway, as authorized by the internal revenue code, unless the use is exempt from the special fuel tax;

(g) Special fuel purchased by an international fuel tax agreement licensee under RCW 82.38.320 is used on a highway; and

(h) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel blender and the special fuel is not removed from the bulk transfer-terminal system.

~~((3))~~ (5) The tax imposed by this chapter, if required to be collected by the licensee, is held in trust by the licensee until paid to the department, and a licensee who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money

required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a felony, or gross misdemeanor in accordance with the theft and anticipatory provisions of Title 9A RCW. A person, partnership, corporation, or corporate officer who fails to collect the tax imposed by this section, or who has collected the tax and fails to pay it to the department in the manner prescribed by this chapter, is personally liable to the state for the amount of the tax.

**Sec. 303.** RCW 46.68.090 and 1999 c 269 s 2 and 1999 c 94 s 6 are each reenacted and amended to read as follows:

(1) All moneys that have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and special fuel tax shall be first expended for purposes enumerated in (a) and (b) of this subsection. The remaining net tax amount shall be distributed monthly by the state treasurer in ~~((the proportions set forth in (e) through (h)))~~ accordance with subsections (2), (3), and (4) of this ~~((subsection))~~ section.

(a) For payment of refunds of motor vehicle fuel tax and special fuel tax that has been paid and is refundable as provided by law;

(b) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor, and the department of licensing of the state of Washington in the administration of the motor vehicle fuel tax and the special fuel tax, which sums shall be distributed monthly~~((;))~~.

~~((2))~~ All of the remaining net tax amount collected under RCW 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a) through (j) of this subsection.

~~((e))~~ (a) For distribution to the motor vehicle fund an amount equal to 44.387 percent to be expended for highway purposes of the state as defined in RCW 46.68.130;

~~((d))~~ (b) For distribution to the special category C account, hereby created in the motor vehicle fund, an amount equal to 3.2609 percent to be expended for special category C projects. Special category C projects are category C projects that, due to high cost only, will require bond financing to complete construction.

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

(i) Accident experience;

(ii) Fatal accident experience;

(iii) Capacity to move people and goods safely and at reasonable speeds without undue congestion; and

(iv) Continuity of development of the highway transportation network.

Moneys deposited in the special category C account in the motor vehicle fund may be used for payment of debt service on bonds the proceeds of which are used to finance special category C projects under this subsection ~~((1)(d))~~ (2)(b);

~~((e))~~ (c) For distribution to the Puget Sound ferry operations account in the motor vehicle fund an amount equal to 2.3283 percent;

~~((f))~~ (d) For distribution to the Puget Sound capital construction account in the motor vehicle fund an amount equal to 2.3726 percent;

~~((g))~~ (e) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent;

~~((h))~~ (f) For distribution to the transportation improvement account in the motor vehicle fund an amount equal to 5.6739 percent and expended in accordance with RCW 47.26.086;

~~((i))~~ (g) For distribution to the cities and towns from the motor vehicle fund an amount equal to 10.6961 percent in accordance with RCW 46.68.110;

~~((j))~~ (h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;

~~((k))~~ (i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

~~((l))~~ (j) For distribution to the rural arterial trust account in the motor vehicle fund an amount equal to 2.5363 percent and expended in accordance with RCW 36.79.020.

~~((2))~~ (3) 100 percent of the net tax amount collected under RCW 82.36.025(2) and 82.38.030(2) shall be distributed as follows:

(a) 4.3366 percent shall be distributed to cities and towns in accordance with RCW 46.68.110(6).

(b) 4.3366 percent shall be distributed to counties in accordance with RCW 46.68.120.

(c) 91.3268 percent shall be distributed to the motor vehicle account.

(4) 100 percent of the net tax amount collected under RCW 82.36.025(3) and 82.38.030(3) shall be distributed to the motor vehicle account.

(5) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

**Sec. 304.** RCW 46.68.110 and 1999 c 269 s 3 and 1999 c 94 s 9 are each reenacted and amended to read as follows:

Funds credited to the incorporated cities and towns of the state as set forth in RCW 46.68.090~~((1)(i))~~ shall be subject to deduction and distribution as follows:

(1) One and one-half percent of such sums distributed under RCW 46.68.090 (2)(g) and (3) shall be deducted monthly as such sums are credited and set aside for the use of the department of transportation for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof, including the supervision and administration of federal-aid programs for which the department of transportation has responsibility: PROVIDED, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) Thirty-three one-hundredths of one percent of such funds distributed under RCW 46.68.090 (2)(g) and (3) shall be deducted monthly, as such funds accrue, and set aside for the use of the department of transportation for the purpose of funding the cities' share of the costs of highway jurisdiction studies and other studies. Any funds so retained and not expended shall be credited in the succeeding biennium to the cities in proportion to the deductions made;

(3) One percent of such funds distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as such funds accrue, to be deposited in the urban arterial trust account, to implement the city hardship assistance program, as provided in RCW 47.26.164. However, any moneys so retained and not required to carry out the program as of July 1st of each odd-numbered year thereafter, shall be provided within sixty days to the treasurer and distributed in the manner prescribed in subsection (5) of this section;

(4) After making the deductions under subsections (1) through (3) of this section and RCW 35.76.050, 31.86 percent of the fuel tax distributed to the cities and towns in RCW 46.68.090~~((1)(i))~~ (2)(g) shall be allocated monthly as the funds accrue to the incorporated cities and towns ~~((in the manner set forth in subsection (5) of this section and subject to deductions in subsections (1), (2), and (3) of this section, subject to RCW 35.76.050, to))~~ of the state ratably on the basis of the population as last determined by the office of financial management.

Funds shall be used exclusively for: The construction, improvement, chip sealing, seal-coating, and repair for arterial highways and city streets as those terms are defined in RCW 46.04.030 and 46.04.120; the maintenance of arterial highways and city streets for those cities with a population of less than fifteen thousand; or the payment of any municipal indebtedness which may be incurred in the construction, improvement, chip sealing, seal-coating, and repair of arterial highways and city streets; ~~(and)~~

(5) The ~~((balance))~~ remaining ~~((to the credit of incorporated cities and towns after such deduction))~~ funds not distributed under subsection (4) of this section shall be apportioned monthly as such funds accrue among the ~~((several))~~ incorporated cities and towns within the state ratably on the basis of the population last determined by the office of financial management; and

(6) After making the deductions under subsections (1) and (2) of this section and RCW 35.76.050, one hundred percent of the funds distributed to the cities and towns in RCW 46.68.090(3)(a) shall be allocated monthly as such funds accrue to the incorporated cities and towns of the state with populations over ten thousand persons, ratably on the basis of population as last determined by the office of financial management.

NEW SECTION. Sec. 305. A new section is added to chapter 47.26 RCW to read as follows:

As part of the matching funds requirements under RCW 47.26.270, the transportation improvement board shall require a city or town receiving funds under RCW 46.68.110(6) to use a portion of these funds, as determined by the board by rule, for the purpose of matching a portion of the corridor grant money allocated to the city or town by the board under this chapter.

**Sec. 306.** RCW 82.38.035 and 2001 c 270 s 7 are each amended to read as follows:

(1) A licensed supplier shall remit tax on special fuel to the department as provided in RCW 82.38.030~~((2))~~ (4)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall remit the tax.

(2) A refiner shall remit tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030~~((2))~~ (4)(b).

(3) An importer shall remit tax to the department on special fuel imported into this state as provided in RCW 82.38.030~~((2))~~ (4)(c).

(4) A blender shall remit tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030~~((2))~~ (4)(e).

(5) A dyed special fuel user shall remit tax to the department on the use of dyed special fuel as provided in RCW 82.38.030~~((2))~~ (4)(f).

**Sec. 307.** RCW 82.38.045 and 1998 c 176 s 54 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030~~((4))~~ if, at the time of removal:

(1) The position holder with respect to the special fuel is a person other than the terminal operator and is not a licensee;

(2) The terminal operator is not a licensee;

(3) The position holder has an expired internal revenue service notification certificate issued under chapter 26, C.F.R. Part 48; or

(4) The terminal operator had reason to believe that information on the notification certificate was false.

**Sec. 308.** RCW 82.38.047 and 1998 c 176 s 55 are each amended to read as follows:

A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030~~((4))~~ if, in connection with the removal of special fuel that is not dyed or marked in accordance with internal revenue service requirements, the terminal operator provides a person with a bill of lading, shipping paper, or similar document indicating that the special fuel is dyed or marked in accordance with internal revenue service requirements.

**Sec. 309.** RCW 82.38.075 and 1983 c 212 s 1 are each amended to read as follows:

In order to encourage the use of nonpolluting fuels, an annual license fee in lieu of the tax imposed by RCW 82.38.030 shall be imposed upon the use of natural gas as defined in this chapter or on liquefied petroleum gas, commonly called propane, which is used in any motor vehicle, as defined in RCW 46.04.320, which shall be based upon the following schedule as adjusted by the formula set out below:

VEHICLE TONNAGE (GVW) FEE	
0 - 6,000	\$ 45
6,001 - 10,000	\$ 45
10,001 - 18,000	\$ 80
18,001 - 28,000	\$110
28,001 - 36,000	\$150
36,001 and above	\$250

To determine the actual annual license fee imposed by this section for a registration year, the appropriate dollar amount set out in the above schedule shall be multiplied by the ~~((motor vehicle))~~ special fuel tax rate in cents per gallon as established by RCW ~~((82.36.025))~~ 82.38.030 effective on July 1st of the preceding calendar year and the product thereof shall be divided by 12 cents.

The department of licensing, in addition to the foregoing fee, shall charge a further fee of five dollars as a handling charge for each license issued.

The director of licensing shall be authorized to prorate the vehicle tonnage fee so that the annual license required by this section will correspond with the staggered vehicle licensing system.

A decal or other identifying device issued upon payment of these annual fees shall be displayed as prescribed by the department as authority to purchase this fuel.

Persons selling or dispensing natural gas or propane may not sell or dispense this fuel for their own use or the use of others into tanks of vehicles powered by this fuel which do not display a valid decal or other identifying device as provided in this section.

Vehicles registered in jurisdictions outside the state of Washington are exempt from this section.

Any person selling or dispensing natural gas or propane into the tank of a motor vehicle powered by this fuel, except as prescribed in this chapter, is subject to the penalty provisions of this chapter.

**Sec. 310.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on the tax rate in effect January 1, ~~((1999))~~ 2001, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall place these funds in the general fund as follows:

(a) Forty percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for planning, maintenance, and management of ORV recreation facilities, nonhighway roads, and nonhighway road recreation facilities. The funds under this subsection shall be expended in accordance with the following limitations:

- (i) Not more than five percent may be expended for information programs under this chapter;
- (ii) Not less than ten percent and not more than fifty percent may be expended for ORV recreation facilities;
- (iii) Not more than twenty-five percent may be expended for maintenance of nonhighway roads;
- (iv) Not more than fifty percent may be expended for nonhighway road recreation facilities;

(v) Ten percent shall be transferred to the interagency committee for outdoor recreation for grants to law enforcement agencies in those counties where the department of natural resources maintains ORV facilities. This amount is in addition to those distributions made by the interagency committee for outdoor recreation under (d)(i) of this subsection;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of nonhighway roads and recreation facilities;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the maintenance and management of ORV use areas and facilities; and

(d) Fifty-four and one-half percent, together with the funds received by the interagency committee for outdoor recreation under RCW 46.09.110, shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the committee for planning, acquisition, development, maintenance, and management of ORV recreation facilities and nonhighway road recreation facilities; ORV user education and information; and ORV law enforcement programs. The expenditures in this subsection (1)(d) shall be calculated on the motor vehicle fuel tax in effect January 1, 1990, until this subsection (1)(d) is amended to reflect the findings of the recreational fuel use study provided in section 346, chapter 8, Laws of 2001 2nd sp. sess. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than twenty percent may be expended for ORV education, information, and law enforcement programs under this chapter;

(ii) Not less than an amount equal to the funds received by the interagency committee for outdoor recreation under RCW 46.09.110 and not more than sixty percent may be expended for ORV recreation facilities;

(iii) Not more than twenty percent may be expended for nonhighway road recreation facilities.

(2) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

**Sec. 311.** RCW 46.10.170 and 1994 c 262 s 4 are each amended to read as follows:

From time to time, but at least once each four years, the department shall determine the amount of moneys paid to it as motor vehicle fuel tax that is tax on snowmobile fuel. Such determination shall use one hundred thirty-five gallons as the average yearly fuel usage per snowmobile, the number of registered snowmobiles during the calendar year under determination, and the fuel tax rate in effect January 1, ((4990)) 2001.

**Sec. 312.** RCW 79A.25.070 and 2000 c 11 s 73 are each amended to read as follows:

Upon expiration of the time limited by RCW 82.36.330 for claiming of refunds of tax on marine fuel, the state of Washington shall succeed to the right to such refunds. The director of licensing, after taking into account past and anticipated claims for refunds from and deposits to the marine fuel tax refund account and the costs of carrying out the provisions of RCW 79A.25.030, shall request the state treasurer to transfer monthly from the marine fuel tax refund account an amount equal to the proportion of the moneys in the account representing the motor vehicle fuel tax rate under RCW 82.36.025 in effect on January 1, ((1990)) 2001, to the recreation resource account and the remainder to the motor vehicle fund.

#### PART IV - SALES AND USE TAXES

**Sec. 401.** RCW 82.08.020 and 2000 2nd sp.s. c 4 s 1 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning April 1, 2003, there is levied and collected an additional tax of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(5) The revenue collected under subsection (3) of this section must be deposited into the multimodal transportation account under RCW 47.66.070.

(6) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

((4)) (7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

**Sec. 402.** RCW 82.12.020 and 1999 c 358 s 9 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer: (a) Any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7); or (b) any canned software, regardless of the method of delivery, but excluding canned software that is either provided free of charge or is provided for temporary use in viewing information, or both.

(2) This tax shall apply to the use of every service defined as a retail sale in RCW 82.04.050(3)(a) and the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.

(3) Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property or service of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property or service from the taxes imposed by such chapters.

(4) The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rates in effect for the retail sales tax under RCW 82.08.020.

**Sec. 403.** RCW 82.12.045 and 1996 c 149 s 19 are each amended to read as follows:

(1) In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances:

(a) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer;

(b) Where the application is for the renewal of registration;

(c) Where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or

(d) Where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by ~~((him))~~ the applicant on the vehicle in question.

(2) The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses.

(3) It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon ~~(his)~~ the application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor.

(4) Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as ~~(his)~~ a collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

(5) Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he or she has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050(3). Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

(6) The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

(7) The use tax revenue collected on the rate provided in RCW 82.08.020(3) will be deposited in the multimodal transportation account under RCW 47.66.070.

**NEW SECTION. Sec. 404.** A new section is added to chapter 43.135 RCW to read as follows:

A transfer from the general fund to the multimodal transportation account under section 405 of this act for taxes collected under chapters 82.08 and 82.12 RCW on new construction projects within the improvement program in RCW 47.05.030(2), does not require a corresponding lowering of the state expenditure limit to reflect this shift for purposes of RCW 43.135.035(4).

**NEW SECTION. Sec. 405.** A new section is added to chapter 82.32 RCW to read as follows:

(1) Effective for taxes collected in fiscal year 2006, the tax imposed and collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on construction projects within the improvement program in RCW 47.05.030(2), except for those projects related to safety and environmental retrofit, shall be transferred from the general fund to the multimodal transportation account once each year as described by subsection (3) of this section.

(2) This transaction is exempt from the requirements in RCW 43.135.035(4).

(3) Government entities conducting construction projects within the improvement program in RCW 47.05.030(2), except for those projects related to safety and environmental retrofit, shall report to the department by August 1st of each year the amount of state sales or use tax attributable to the projects identified in this section from the previous fiscal year for purposes of transfer to the multimodal transportation account. The department shall notify the state treasurer of the amount of the transfer by September 30th of each year.

## PART V - BOND AUTHORIZATION

**NEW SECTION. Sec. 501.** In order to provide funds necessary for the location, design, right of way, and construction of selected state and local highway improvements, there shall be issued and sold upon the request of the transportation commission a total of four billion five hundred million dollars of general obligation bonds of the state of Washington.

**NEW SECTION. Sec. 502.** Upon the request of the transportation commission, as appropriate, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 46.68.090 in accordance with chapter 39.42 RCW. Bonds authorized by this act shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

The state finance committee shall consider the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purpose of retiring the bonds during the life of the project for which they were issued.

**NEW SECTION. Sec. 503.** The proceeds from the sale of bonds authorized by section 501 of this act shall be deposited in the motor vehicle fund. The proceeds shall be available only for the purposes enumerated in section 501 of this act, for the payment of bond anticipation notes, if any, and for the payment of bond issuance costs, including the costs of underwriting.

**NEW SECTION. Sec. 504.** Bonds issued under the authority of section 501 of this act shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on the bonds shall be first payable from the proceeds of the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW. Proceeds of these excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of sections 501 through 506 of this act, and the legislature agrees to continue to impose these excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of section 501 of this act.

**NEW SECTION. Sec. 505.** Both principal and interest on the bonds issued for the purposes of section 501 of this act shall be payable from the highway bond retirement fund. The state finance committee may provide that a special account be created in the fund to facilitate payment of the principal and interest. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings. The state treasurer shall withdraw revenues from the motor vehicle fund and deposit in the highway bond retirement fund, or a special account in the fund, such amounts, and at such times, as are required by the bond proceedings.

Any funds required for bond retirement or interest on the bonds authorized by section 501 of this act shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and which is, or may be, appropriated to the department of transportation for state highway purposes. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities, and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state in the motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel or special fuel taxes that are distributable to the state, counties, cities, and towns shall be repaid from the first revenues from the motor vehicle fuel or special fuel taxes distributed to the motor vehicle fund not required for bond retirement or interest on the bonds.

**NEW SECTION. Sec. 506.** Bonds issued under the authority of section 501 of this act and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

**NEW SECTION. Sec. 507.** For the purpose of providing funds for the planning, design, construction, reconstruction, and other necessary costs for transportation projects, including rail and passenger-only ferry projects, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one hundred million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

**NEW SECTION. Sec. 508.** The proceeds of the sale of the bonds authorized in section 507 of this act must be deposited in the multimodal transportation account and must be used exclusively for the purposes specified in section 507 of this act and for the payment of expenses incurred in the issuance and sale of the bonds.

**NEW SECTION. Sec. 509.** (1) The nondebt-limit reimbursable bond retirement account must be used for the payment of the principal and interest on the bonds authorized in section 507 of this act.

(2)(a) The state finance committee must, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 507 of this act.

(b) On or before the date on which any interest or principal and interest is due, the state treasurer shall transfer from the multimodal transportation account for deposit into the nondebt-limit reimbursable bond retirement account the amount computed in (a) of this subsection for bonds issued for the purposes of section 507 of this act.

(3) If the multimodal transportation account has insufficient revenues to pay the principal and interest computed in subsection (2)(a) of this section, then the debt-limit reimbursable bond retirement account must be used for the payment of the principal and interest on the bonds authorized in section 507 of this act from any additional means provided by the legislature.

(4) If at any time the multimodal transportation account has insufficient revenues to repay the bonds, the legislature may provide additional means for the payment of the bonds.

**NEW SECTION. Sec. 510.** (1) Bonds issued under section 507 of this act must state that they are a general obligation of the state of Washington, must pledge the full faith and credit of the state to the payment of the principal and interest, and must contain an unconditional promise to pay the principal and interest as it becomes due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

**NEW SECTION. Sec. 511.** The legislature may provide additional means for raising moneys for the payment of the principal and interest on the bonds authorized in section 507 of this act, and sections 509 and 510 of this act are not deemed to provide an exclusive method for their payment.

**NEW SECTION. Sec. 512.** The bonds authorized in section 507 of this act are a legal investment for all state funds or funds under state control and for all funds of any other public body.

**Sec. 513.** RCW 39.42.060 and 2001 2nd sp.s. c 9 s 18 are each amended to read as follows:

No bonds, notes, or other evidences of indebtedness for borrowed money shall be issued by the state which will cause the aggregate debt contracted by the state to exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than seven percent of the arithmetic mean of its general state revenues, as defined in section 1(c) of Article VIII of the Washington state Constitution for the three immediately preceding fiscal years as certified by the treasurer in accordance with RCW 39.42.070. It shall be the duty of the state finance committee to compute annually the amount required to pay principal of and interest on outstanding debt. In making such computation, the state finance committee shall include all borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be paid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, and shall include debt incurred pursuant to section 3 of Article VIII of the Washington state Constitution, but shall exclude the following:

(1) Obligations for the payment of current expenses of state government;

(2) Indebtedness incurred pursuant to RCW 39.42.080 or 39.42.090;

(3) Principal of and interest on bond anticipation notes;

(4) Any indebtedness which has been refunded;

(5) Financing contracts entered into under chapter 39.94 RCW;

(6) Indebtedness authorized or incurred before July 1, 1993, pursuant to statute which requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from money other than general state revenues or from the special excise tax imposed pursuant to chapter 67.40 RCW;

(7) Indebtedness authorized and incurred after July 1, 1993, pursuant to statute that requires that the state treasury be reimbursed, in the amount of the principal of and the interest on such indebtedness, from (a) moneys outside the state treasury, except higher education operating fees, (b) higher education building fees, (c) indirect costs recovered from federal grants and contracts, and (d) fees and charges associated with hospitals operated or managed by institutions of higher education;

(8) Any agreement, promissory note, or other instrument entered into by the state finance committee under RCW 39.42.030 in connection with its acquisition of bond insurance, letters of credit, or other credit support instruments for the purpose of guaranteeing the payment or enhancing the marketability, or both, of any state bonds, notes, or other evidence of indebtedness;

(9) Indebtedness incurred for the purposes identified in RCW 43.99N.020;

(10) Indebtedness incurred for the purposes of the school district bond guaranty established by chapter 39.98 RCW;

(11) Indebtedness incurred for the purposes of replacing the waterproof membrane over the east plaza garage and revising related landscaping construction pursuant to RCW 43.99Q.070; ~~(and)~~

(12) Indebtedness incurred for the purposes of the state legislative building rehabilitation, to the extent that principal and interest payments of such indebtedness are paid from the capitol building construction account pursuant to RCW 43.99Q.140(2)(b); and

~~(13) Indebtedness incurred for the purposes of financing projects under section 507 of this act.~~

To the extent necessary because of the constitutional or statutory debt limitation, priorities with respect to the issuance or guaranteeing of bonds, notes, or other evidences of indebtedness by the state shall be determined by the state finance committee.

**NEW SECTION. Sec. 514.** Sections 501 through 512 of this act are each added to chapter 47.10 RCW.

## PART VI - REFERENDUM

**NEW SECTION. Sec. 601.** (1) The secretary of state shall submit this act, except for sections 101 through 120 of this act, to the people for their

adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation.

(2) If the people ratify this act as specified under subsection (1) of this section, revenues generated shall be spent as detailed in Senate Bill No. 6347, as enacted by the legislature.

(3) Pursuant to RCW 29.79.035, the statement of subject on the ballot title shall read: "The legislature has passed House Bill No. 2969, financing transportation improvements through transportation fees and taxes." The concise description on the ballot title shall read: "This bill would improve highway capacity, public transportation, passenger and freight rail, and transportation financing accountability through increased weight fees on trucks and large vehicles, fuel excise taxes, and sales taxes on vehicles."

NEW SECTION. Sec. 602. If this act is not ratified by the voters by November 15, 2002, this act is null and void in its entirety, including sections 101 through 120 of this act.

NEW SECTION. Sec. 603. Section 601 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

#### PART VII - MISCELLANEOUS

NEW SECTION. Sec. 701. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 702. Part headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 703. If this act is ratified by the voters as specified in section 601 of this act, this act, except sections 401, 402, and 601 of this act, takes effect January 1, 2002.

NEW SECTION. Sec. 704. This act is null and void if a transportation expenditure bill based on the revenue provided in this act does not become law by December 31, 2002.

NEW SECTION. Sec. 705. Sections 401 and 402 of this act take effect April 1, 2003."

#### MOTION

Senator Haugen moved that several oral amendments to the striking amendment be adopted. Discussion as to the specific location of the amendments took place.

#### PARLIAMENTARY INQUIRY

Senator Jacobsen: "A point of parliamentary inquiry, Mr. President. I only have twenty years experience in both houses and I am curious, this is the first time I have seen so many oral amendments on the floor of the Senate. Is this in order?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Jacobsen, it is in order for a member to make an oral amendment. Customarily, for a clerical type amendment, we have accepted them orally. The President believes if an amendment gets to be somewhat complicated, a member could require that they be put on paper."

Senator Jacobsen: "Yes, I am curious and would they be distributed in writing then and that is reasonable to request that?"

President Owen: "It is, yes."

The staff was ordered to put the proposed oral amendments on paper.

#### MOTION

On motion of Senator Haugen, the following amendments to the striking amendment were considered simultaneously and were adopted:

On page 36, on line 31 of the amendment, strike "101" and insert "102"

On page 37, on line 14 of the amendment, strike "101" and insert "102"

Renumber the sections consecutively and correct any internal references accordingly.

#### MOTION

On motion of Senator Haugen, further consideration of Engrossed Substitute House Bill No. 2969 was deferred.

#### MOTION

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

#### SECOND READING

SENATE BILL NO. 6347, by Senators Haugen and Keiser (by request of Governor Locke)

Making transportation improvements

MOTIONS

On motion of Senator Haugen, Substitute Senate Bill No. 6347 was substituted for Senate Bill No. 6347 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Haugen, the following striking amendment by Senator Snyder was adopted:  
Strike everything after the enacting clause and insert the following:

**"TRANSPORTATION INVESTMENT**

**NEW SECTION. Sec. 1.** (1) The legislature recognizes that a good transportation system is critical in keeping Washington state's economy strong and its businesses competitive. The legislature further recognizes that badly needed investments in our state's transportation infrastructure will create jobs and help to ensure Washington's long-term economic success.

(2) The transportation investment act of 2002 is hereby adopted and, subject to the provisions set forth in this act, the several amounts hereinafter specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds hereinafter named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2003.

(3) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout the act.

(a) "Fiscal year 2002" or "FY 2002" means the fiscal year ending June 30, 2002.

(b) "Fiscal year 2003" or "FY 2003" means the fiscal year ending June 30, 2003.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose.

**OPERATING--GENERAL GOVERNMENT AGENCIES**

**NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF REVENUE**

Multimodal Transportation Account--State  
Appropriation \$ 100,000

**OPERATING--TRANSPORTATION AGENCIES**

**NEW SECTION. Sec. 201. REGIONAL TRANSPORTATION PLANNING.** \$3,000,000 of the motor vehicle fund--state is appropriated to the department of transportation and is provided solely for the expenses associated with the regional transportation investment district planning committee responsibilities established in Engrossed Second Substitute Senate Bill No. 6140.

**NEW SECTION. Sec. 202. TRANSPORTATION EFFICIENCIES.** \$1,225,100 of the motor vehicle fund--state is appropriated to the department of transportation and provided solely for the department to implement the state's responsibilities as outlined in chapter 5, Laws of 2002.

**NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V**

**Project 2001-03 Total Recommended Future Biennia  
(projected cost)**

Transit \$19,890,000 \$430,110,000  
Paratransit \$3,600,000 \$71,400,000  
Rural Mobility Grants \$3,600,000 \$71,400,000  
Vanpool Expansion \$1,910,000 \$37,890,000  
Commute Trip Reduction \$6,000,000 \$94,000,000  
Park and Rides \$4,000,000 \$76,000,000

**Appropriation:**

Multimodal Transportation Account--State \$ 36,000,000  
Motor Vehicle Account--State \$ 3,000,000

Prior Biennia (Expenditures)  
Multimodal Transportation Account--State \$ 0  
Motor Vehicle Account--State \$ 0  
Future Biennia (Projected Costs)  
Multimodal Transportation Account--State \$ 743,800,000  
Motor Vehicle Account--State \$ 37,000,000  
TOTAL \$ 819,800,000

The appropriations provided in this section are provided solely for the following purposes and are subject to the following conditions and limitations:

(1) The department shall work cooperatively with the agency council on coordinated transportation and the Washington state transit association to establish grant application procedures and selection criteria for paratransit and rural mobility projects.

(2) The motor vehicle account--state appropriation in this section is provided solely for park and ride expansion.

(3) Transit funds in this section shall be distributed to transit systems as follows:

(a) 50% of funds shall be distributed based on service area population to C-Tran, Community Transit, Everett Transit, King County Metro Transit, Pierce Transit, and Spokane Transit Authority;

(b) 30% of funds shall be distributed based on service area population to: Ben Franklin Transit, Cowlitz Transit Authority, Intercity Transit, Kitsap Transit, Whatcom Transportation Authority, and Yakima Transit; and

(c) 20% of funds shall be distributed based on service area population to: Clallam Transit System, Garfield County, Grant Transit Authority, Grays Harbor Transportation Authority, Island Transit, Jefferson Transit Authority, Link Transit, Mason County Transportation Authority, Pacific Transit, Pullman Transit, Skagit Transit, Twin Transit, and Valley Transit.

(4) Commute trip reduction funds shall be allocated as follows: \$4,000,000 shall be distributed to local governments in the form of grants; \$2,000,000 shall be distributed as grants to public agencies, nonprofit organizations, developers, and property managers and as tax credits to employers' business and occupation tax, as provided in Senate Bill No. 6008. If Senate Bill No. 6008 is not enacted by the legislature by January 1, 2003, the \$2,000,000 shall be distributed to local governments in the form of grants.

(5) In a county with a population over one hundred fifty thousand where a public transportation benefit area and a city both operate a public transportation system, funds may not be released until the transit systems develop an interlocal agreement to serve paratransit and special needs transit.

(6) The department shall consider the following factors when making decisions regarding the appropriations provided for park and ride lots in this section: Park and ride lots shall be distributed across the state, including islands, to meet multiple service needs and shall be used for multimodal purposes, including ferries and rail.

(7) The department shall use up to \$500,000 of this appropriation to clear, expand, grade, and surface parking lots in the San Juan Islands as follows: The parking lot on Lopez Island; Lot C at Friday Harbor; and the parking lot on Orcas Island.

(8) The department shall use up to \$1,500,000 of this appropriation, in cooperation with Island County, to develop park and ride facilities on Whidbey Island.

### CAPITAL--HIGHWAY IMPROVEMENTS AND PRESERVATION

#### NEW SECTION. Sec. 301. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I-- MAJOR PROJECTS

(1) SR 018, Maple Valley to I-90 Additional Lanes - (20020011)

Appropriation:

Motor Vehicle Account--State \$ 2,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 47,517,000

TOTAL \$ 50,017,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$2,500,000 is provided for preconstruction.

(2) SR 090, Snoqualmie Pass East, Reconstruct and Add New Lanes - (20020025)

Appropriation:

Motor Vehicle Account--State \$ 15,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 85,000,000

TOTAL \$ 100,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$15,000,000 is provided for preconstruction.

(3) SR 099, Alaskan Way Viaduct Replacement - (20020020)

Appropriation:

Motor Vehicle Account--State \$ 70,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 380,000,000

TOTAL \$ 450,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$70,000,000 is provided for preconstruction.

(4) SR 167, Tacoma to Edgewood New Freeway Construction, Preliminary Engineering and Right of Way - (20020031)

Appropriation:

Motor Vehicle Account--State \$ 50,600,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 293,000,000

TOTAL \$ 343,600,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$50,600,000 is provided for preconstruction.

(5) SR 395, Spokane - Hawthorne to Wandermere - (20020042)

Appropriation:

Motor Vehicle Account--State \$ 58,799,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 147,820,000  
TOTAL \$ 206,619,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$58,799,000 is provided for preconstruction.

(6) SR 405, Tukwila to Lynnwood Additional Lanes - (20020015)

Appropriation:

Motor Vehicle Account--State \$ 270,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,500,000,000  
TOTAL \$ 1,770,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$270,000,000 is provided for preconstruction.

(7) SR 509, Federal Way to Sea Tac South Access/Corridor Completion - (20020016)

Appropriation:

Motor Vehicle Account--State \$ 122,130,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 377,870,000  
TOTAL \$ 500,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$122,130,000 is provided for preconstruction.

(8) SR 520, Seattle to Bellevue - Translake - (20020021)

Appropriation:

Motor Vehicle Account--State \$ 38,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 62,000,000  
TOTAL \$ 100,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$38,000,000 is provided for preconstruction; and is intended to complete the environmental impact statement to the record of decision.

**NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I--MOBILITY AND ECONOMIC INITIATIVE IMPROVEMENT PROJECTS**

(1) SR 003, Silverdale - Waaga Way Interchange Ramp - (20020022)

Appropriation:

Motor Vehicle Account--State \$ 5,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 5,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$5,000,000 is provided for construction.

(2) SR 004, Svensen's Curve - (20020061)

Appropriation:

Motor Vehicle Account--State \$ 720,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 4,280,000

TOTAL \$ 5,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$720,000 is provided for preconstruction.

(3) SR 005, Chehalis to Maytown Additional Lanes and Flood Control - (20020027)

Appropriation:

Motor Vehicle Account--State \$ 14,600,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 70,615,000  
TOTAL \$ 85,215,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$14,600,000 is provided for preconstruction.

(4) SR 005, Chehalis Western Trail Overcrossing - (20020057)

Appropriation:

Motor Vehicle Account--State \$ 527,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,213,000  
TOTAL \$ 1,740,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$527,000 is provided for preconstruction.

(5) SR 005, I-5/Interstate Bridge - Replacement - (20020081)

Appropriation:

Motor Vehicle Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$1,000,000 is provided for preconstruction.

(6) SR 005, I-5/SR 502 Interchange - (20020053)

Appropriation:

Motor Vehicle Account--State \$ 10,100,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 12,000,000  
TOTAL \$ 22,100,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$10,100,000 is provided for preconstruction.

(7) SR 005, Lynnwood - 196th Street Interchange - (20020034)

Appropriation:

Motor Vehicle Account--State \$ 2,800,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 22,200,000  
TOTAL \$ 25,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$2,800,000 is provided for preconstruction.

(8) SR 005, Mount Vernon - 2nd Street Bridge Replacement - (20020033)

Appropriation:

Motor Vehicle Account--State \$ 10,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 10,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$10,000,000 is provided for construction.

(9) SR 005, Smokey Point - 172nd Street NE (SR 531) Widening - (20020035)

Appropriation:

Motor Vehicle Account--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 13,000,000  
TOTAL \$ 15,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$2,000,000 is provided for preconstruction.

(10) SR 005, Vancouver - Salmon Creek to I-205 Additional Lanes - (20020002)

Appropriation:

Motor Vehicle Account--State \$ 35,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 35,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$35,000,000 is provided for construction.

(11) SR 005, Vancouver, 134th Interchange - (20020062)

Appropriation:

Motor Vehicle Account--State \$ 2,400,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 37,600,000  
TOTAL \$ 40,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$2,400,000 is provided for preconstruction.

(12) SR 009, Clearview - 212th Street SE and 176th Street SE Additional Lanes - (20020036)

Appropriation:

Motor Vehicle Account--State \$ 1,900,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 15,100,000  
TOTAL \$ 17,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$1,900,000 is provided for preconstruction.

(13) SR 009, Corridor Improvements - (20020063)

Appropriation:

Motor Vehicle Account--State \$ 10,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 40,000,000  
TOTAL \$ 50,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$10,000,000 is provided for preconstruction.

(14) SR 012, Tri-Cities to Wallula Additional Lanes - (20020044)

Appropriation:

Motor Vehicle Account--State \$ 3,350,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 21,650,000  
TOTAL \$ 25,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$3,350,000 is provided for preconstruction.

(15) SR 012, Walla Walla to Wallula Pre-planning Study - (20020083)

Appropriation:

Motor Vehicle Account--State \$ 3,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$3,000,000 is provided for preconstruction.

(16) SR 014, Camas-Washougal Vicinity New Interchange - (20020003)

Appropriation:

Motor Vehicle Account--State \$ 800,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 20,200,000  
TOTAL \$ 21,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$800,000 is provided for preconstruction.

(17) SR 014, Maryhill Vicinity Truck-Climbing Lane - (20020008)

Appropriation:

Motor Vehicle Account--State \$ 125,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,120,000  
TOTAL \$ 1,245,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$125,000 is provided for preconstruction.

(18) SR 020, Burlington Vicinity - Fredonia to I-5 Additional Lanes - (20020056)

Appropriation:

Motor Vehicle Account--State \$ 5,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 45,000,000  
TOTAL \$ 50,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$5,000,000 is provided for preconstruction.

(19) SR 031, Metaline Falls - Pend Oreille to Canadian Border All-weather Road - (20020028)

Appropriation:

Motor Vehicle Account--State \$ 15,540,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 15,540,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$540,000 is provided for preconstruction; and  
\$15,000,000 is provided for construction.

(20) SR 090, Columbia Basin Vicinity - Truck Climbing Lanes - (20020026)

Appropriation:

Motor Vehicle Account--State \$ 15,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 15,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$15,000,000 is provided for construction.

(21) SR 090, Moses Lake Vicinity Bridge Replacement - (20020007)

Appropriation:

Motor Vehicle Account--State \$ 300,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 4,700,000  
TOTAL \$ 5,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$300,000 is provided for preconstruction.

(22) SR 090, Spokane - Argonne to Sullivan Road - (20020064)

Appropriation:

Motor Vehicle Account--State \$ 35,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 35,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$35,000,000 is provided for construction.

(23) SR 096, SR 96/Seattle Hill Road to SR 9 - (20020072)

Appropriation:

Motor Vehicle Account--State \$ 11,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 11,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$11,000,000 is provided for construction.

(24) SR 099, Shoreline Aurora Ave North Corridor - (20020065)

Appropriation:

Motor Vehicle Account--State \$ 10,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 10,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$10,000,000 is provided for construction.

(25) SR 101, Blyn/Gardiner Vicinity - Truck/Passing Lanes - (20020058)

Appropriation:

Motor Vehicle Account--State \$ 3,030,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 3,030,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$120,000 is provided for preconstruction; and  
\$2,910,000 is provided for construction.

(26) West Olympia Access Study - (2002094)

Appropriation:

Motor Vehicle Account--State \$ 500,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 500,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$500,000 is provided for preconstruction.

(27) SR 161, Puyallup to Fife Additional Lanes - (20020030)

Appropriation:

Motor Vehicle Account--State \$ 980,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 44,020,000  
TOTAL \$ 45,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$980,000 is provided for preconstruction.

(28) SR 167, Corridor Study - (20020085)

Appropriation:

Motor Vehicle Account--State \$ 8,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 8,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$8,000,000 is provided for preconstruction.

(29) SR 205, I-205/SR 14 to 83rd St - Widening - (20020054)

Appropriation:

Motor Vehicle Account--State \$ 5,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 41,000,000  
TOTAL \$ 46,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$5,000,000 is provided for preconstruction.

(30) SR 205, Vancouver - Mill Plain Exit (112th Connector) - (20020090)

Appropriation:

Motor Vehicle Account--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 10,000,000  
TOTAL \$ 12,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$2,000,000 is provided for preconstruction.

(31) SR 240, Tri-Cities Additional Lanes - (20020001)

Appropriation:

Motor Vehicle Account--State \$ 5,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 40,000,000  
TOTAL \$ 45,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$5,000,000 is provided for preconstruction.

(32) SR 241, North Sunnyside Reconstruction - (20020051)

Appropriation:

Motor Vehicle Account--State \$ 470,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 8,410,000  
TOTAL \$ 8,880,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$470,000 is provided for preconstruction.

(33) SR 270, Pullman to Idaho State Line Additional Lanes - (20020048)

Appropriation:

Motor Vehicle Account--State \$ 3,661,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 21,339,000  
TOTAL \$ 25,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$3,661,000 is provided for preconstruction.

(34) SR 304, Bremerton SR 3 to Bremerton Ferry Terminal Additional Lanes - (20020023)

Appropriation:

Motor Vehicle Account--State \$ 11,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 11,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$11,000,000 is provided for construction.

(35) SR 504, Toll Road Study - Mount Saint Helens - (20020086)

Appropriation:

Motor Vehicle Account--State \$ 350,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 350,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$350,000 is provided for preconstruction.

(36) SR 519, South Seattle Intermodal Access, Interchange Improvements and Additional Lanes - (20020017)

Appropriation:

Motor Vehicle Account--State \$ 1,100,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 39,000,000  
TOTAL \$ 40,100,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$1,100,000 is provided for preconstruction.

(37) SR 520, Redmond - W Lake Sammamish Parkway to SR 202 Additional Lanes - (20020018)

Appropriation:

Motor Vehicle Account--State \$ 4,800,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 65,200,000  
TOTAL \$ 70,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$4,800,000 is provided for preconstruction.

(38) SR 522, Woodinville - Paradise Lake Road to Snohomish River - (20020038)

Appropriation:

Motor Vehicle Account--State \$ 24,095,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 15,905,000  
TOTAL \$ 40,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$295,000 is provided for preconstruction; and \$23,800,000 is provided for construction.

(39) SR 524, Lynnwood - 24th Avenue SW to SR 527 Additional Lanes - (20020039)

Appropriation:

Motor Vehicle Account--State \$ 16,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 16,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$150,000 is provided for preconstruction; and \$15,850,000 is provided for construction.

(40) SR 531, SR 531/43rd Ave NE to 67th Ave NE - (20020075)

Appropriation:

Motor Vehicle Account--State \$ 6,890,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,890,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$6,890,000 is provided for preconstruction.

(41) SR 539, Bellingham - Laurel to SR 9 via Badger Road - (20020046)

Appropriation:

Motor Vehicle Account--State \$ 10,500,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 52,650,000  
TOTAL \$ 63,150,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$10,500,000 is provided for preconstruction.

(42) SR 542, SR 542/Orleans to Britton Rd - Widening - (20020076)

Appropriation:

Motor Vehicle Account--State \$ 4,724,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0

TOTAL \$ 4,724,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$1,700,000 is provided for preconstruction; and \$3,024,000 is provided for construction.

(43) SR 542, Sunset Drive Street Improvements - (20020089) Appropriation:  
Motor Vehicle Account--State \$ 2,800,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,800,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$2,800,000 is provided for construction.

(44) SR 543, Blaine - I-5 to Canadian Border Additional Lanes for Freight - (20020047)

Appropriation:

Motor Vehicle Account--State \$ 17,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 17,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$600,000 is provided for preconstruction; and \$16,400,000 is provided for construction.

(45) SR 605, Toll Road - King County Bypass Study - (20020084)

Appropriation:

Motor Vehicle Account--State \$ 350,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 350,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$350,000 is provided for preconstruction.

The appropriation in this subsection is provided solely for the middle Washington corridor study. The department of transportation, in consultation with local officials and residents of the area, shall conduct a study to determine the feasibility of creating a new north-south corridor as an alternative to state route 5 and state route 405, which would run from approximately the Canadian border in the northern portion of the state to approximately Lewis county in the southern portion of the state. The department shall report to the legislature, no later than December 31, 2002, on the feasibility of financing and constructing such a corridor.

(46) SR 900, Issaquah - SE 78th Street to Issaquah Additional Lanes - (20020019)

Appropriation:

Motor Vehicle Account--State \$ 1,200,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 13,400,000  
TOTAL \$ 14,600,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$1,200,000 is provided for preconstruction.

**NEW SECTION. Sec. 303. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I--HOV PROJECTS**

(1) SR 005, Everett - SR 526 to US 2 HOV Lanes - (20020055)

Appropriation:

Motor Vehicle Account--State \$ 8,300,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 221,700,000  
TOTAL \$ 230,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:

\$8,300,000 is provided for preconstruction.

(2) SR 005, Pierce County Line to Tukwila HOV - (20020009)

Appropriation:

Motor Vehicle Account--State \$ 3,191,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 66,000,000  
TOTAL \$ 69,191,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$3,191,000 is provided for preconstruction.

(3) SR 005, SR 16 - Tacoma/Pierce County HOV (Narrows Bridge) - (20020029)

Appropriation:

Motor Vehicle Account--State \$ 110,314,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 246,686,000  
TOTAL \$ 357,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$7,740,000 is provided for preconstruction; and \$102,574,000 is provided for construction.

(4) SR 167, Auburn - 15th Street SW to 15th Street NW HOV - (20020012)

Appropriation:

Motor Vehicle Account--State \$ 20,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 17,240,000  
TOTAL \$ 37,240,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$50,000 is provided for preconstruction; and \$19,950,000 is provided for construction.

**NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I--SAFETY IMPROVEMENT PROJECTS**

(1) SR 012, Yakima Vicinity - Old Naches Hwy Interchange - (20020049)

Appropriation:

Motor Vehicle Account--State \$ 640,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 34,400,000  
TOTAL \$ 35,040,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$640,000 is provided for preconstruction.

(2) SR 007, SR 7/SR 507 to SR 512 - Safety - (20020077)

Appropriation:

Motor Vehicle Account--State \$ 9,504,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 9,504,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act: \$9,504,000 is provided for preconstruction.

(3) SR 500, Vancouver - New Interchanges and Additional Lanes - (20020004)

Appropriation:

Motor Vehicle Account--State \$ 24,300,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 24,300,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$1,300,000 is provided for preconstruction; and  
\$23,000,000 is provided for construction.

(4) Safety Improvement Projects - (20020902)

Appropriation:

Motor Vehicle Account--State \$ 28,001,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 5,077,160  
TOTAL \$ 33,078,160

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
The department shall develop a list of projects that reflect 125% of the funds appropriated in this subsection and submit the list to the office of financial management. The list shall include the following projects:

- (a) US 101/Corriea Road Vicinity to Zaccardo Road;
- (b) SR 104/Jct SR 19 Intersection Safety;
- (c) SR 112/Hoko-Ozette Road - Safety;
- (d) SR 161/SR 167 Eastbound Ramp - Safety;
- (e) SR 22/I-82 to McDonald Road;
- (f) SR 201 Deception Pass and Canoe Pass Bridges;
- (g) SR 160, SR 160/SR 16 to Long Lake Vicinity; and
- (h) SR 161, 128th to 176th - Safety.

Expenditures may not occur until approved by the office of financial management and may only occur for those projects on the list.

**NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I--ENVIRONMENTAL RETROFIT IMPROVEMENT PROJECTS**

(1) SR 005, I-5/SR 520 Interchange Vicinity - (20020070)

Appropriation:

Motor Vehicle Account--State \$ 386,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 3,220,000  
TOTAL \$ 3,606,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
\$386,000 is provided for preconstruction.

(2) SR 106, Skobob Creek - (20020010)

Appropriation:

Motor Vehicle Account--State \$ 1,250,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,250,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for reconstruction of a bridge at Skobob Creek on highway 106 in Mason county and shall be matched by funds provided by the Hood Canal salmon enhancement group. The project is subject to review and approval by the department, but the Hood Canal salmon enhancement group shall manage the project.

(3) Noise Wall Projects - (20020095)

Appropriation:

Motor Vehicle Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 9,000,000  
TOTAL \$ 10,000,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
The department shall develop a list of projects that reflect 125% of the funds appropriated in this subsection and submit the list to the office of financial management. Expenditures may not occur until approved by the office of financial management and may only occur for those projects on the list.

(4) Environmental Retrofit Projects – (20020903)

Appropriation:

Motor Vehicle Account--State \$ 10,320,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,077,000  
TOTAL \$ 11,397,000

The appropriation provided in this subsection is subject to the following conditions and limitations and section 804 of this act:  
The department shall develop a list of projects that reflect 125% of the funds appropriated in this subsection and submit the list to the office of financial management. Expenditures may not occur until approved by the office of financial management and may only occur for those projects on the list.

**NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P**  
SR 101, Purdy Creek Bridge Replacement - (20020091)

Appropriation:

Motor Vehicle Account--State \$ 6,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 6,000,000

(1) The appropriation provided in this section is provided solely for a by-pass or replacement of Purdy Creek Bridge on SR 101, which may include up to 1,100 feet of elevated roadway.

(2) The appropriation provided in this section is subject to the following conditions and limitations and section 804 of this act:  
\$2,400,000 is provided for preconstruction; and  
\$3,600,000 is provided for construction.

**NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM Z--**  
**LOCAL PROJECTS**  
SR 000, I-5 to SR 7 Cross Base Highway - (20020067)

Appropriation:

Motor Vehicle Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 1,000,000

The appropriation provided in this section is subject to section 804 of this act.

**NEW SECTION. Sec. 308.** The motor vehicle account--state appropriations for projects contained in sections 301 through 307 of this act, include \$156,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The secretary of transportation may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

**CAPITAL--WASHINGTON STATE FERRIES CONSTRUCTION**

**NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES**  
**CONSTRUCTION--PROGRAM W**  
Four Replacement Auto/Passenger Ferries - Design and Construction

Appropriation:

Motor Vehicle Account--State \$ 4,128,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 317,761,000  
TOTAL \$ 321,889,000

The appropriation in this section is provided solely for the department to initiate the process for the procurement of four new auto passenger ferries to replace the steel electric ferries. The department shall use the modified request for proposals design and build partnership process contained in RCW 47.60.810 through 47.60.822. The appropriation referenced in this subsection constitutes legislative authority to proceed with the procurement process under RCW 47.60.814.

**NEW SECTION. Sec. 402. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES**  
**CONSTRUCTION--PROGRAM W**  
Anacortes Multimodal Terminal - Design

Appropriation:

Motor Vehicle Account--State \$ 518,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 118,402,000  
TOTAL \$ 118,920,000

**NEW SECTION. Sec. 403. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES  
CONSTRUCTION--PROGRAM W  
Mukilteo Multimodal Terminal - Design**

Appropriation:  
Motor Vehicle Account--State \$ 1,810,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 105,943,000  
TOTAL \$ 107,753,000

**NEW SECTION. Sec. 404. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES  
CONSTRUCTION--PROGRAM W  
Edmonds Multimodal Terminal - Design**

Appropriation:  
Motor Vehicle Account--State \$ 2,200,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 0  
TOTAL \$ 2,200,000

**NEW SECTION. Sec. 405. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES  
CONSTRUCTION--PROGRAM W  
Passenger-Only Vessel and Terminal Projects - Design and Construction**

Appropriation:  
Multimodal Transportation Account--State \$ 5,716,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 45,541,000  
TOTAL \$ 51,257,000

The appropriation in this section is provided for the acquisition of passenger-only vessels and the costs associated with the design and construction of passenger-only terminal facilities necessary to begin passenger-only ferry service on the Seattle/Kingston route by September 2003 and the Seattle/Southworth route by September 2007.

**NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES  
CONSTRUCTION--PROGRAM W  
Catch-up Preservation for Terminals and Vessels**

Appropriation:  
Motor Vehicle Account--State \$ 11,690,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 88,548,000  
TOTAL \$ 100,238,000

**NEW SECTION. Sec. 407. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES  
CONSTRUCTION--PROGRAM W  
Seattle Pier 48 Acquisition/Relocation - Right of Way**

Appropriation:  
Motor Vehicle Account--State \$ 7,075,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 1,860,000  
TOTAL \$ 8,935,000

**NEW SECTION. Sec. 408.** The motor vehicle--state appropriations for projects contained in sections 401 through 407 of this act, include \$4,128,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The secretary of transportation may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

**CAPITAL--RAIL CONSTRUCTION**

**NEW SECTION. Sec. 501. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL  
Passenger Rail Capital Improvements - Design, Right of Way, and Construction**

Appropriation:  
Multimodal Transportation Account--State \$ 18,487,000  
Multimodal Transportation Account--Federal \$ 42,056,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 791,451,000  
TOTAL \$ 851,994,000

The appropriation in this section is provided for programs including, but not limited to the Vancouver rail project, high-speed upgrades in King, Snohomish, and Whatcom counties, and capacity improvements between Seattle and Everett.

\$9,200,000 from the multimodal transportation account--state is provided solely for capacity improvements between Seattle and Everett; however, should federal funding for this project be granted, the department shall use any portion of the \$9,200,000 not needed for state match purposes for other passenger rail high speed track improvements.

**NEW SECTION. Sec. 502. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**  
Freight Rail Assistance Program - Design, Right of Way, and Construction

Appropriation:

Multimodal Transportation Account--State \$ 9,500,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 85,140,000

TOTAL \$ 94,640,000

The appropriation in this section is provided for the design, right of way, and construction costs for the freight rail assistance program including but not limited to the following projects: Grays Harbor County saw mill spur; lumber spur to tribal sawmill in Yakima County; Yakima County improvements; Cascade and Columbia River upgrade; various 286,000 pound upgrade projects; and City of Yelm railroad.

**NEW SECTION. Sec. 503. FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL**  
Washington Fruit Express - Design, Right of Way, and Construction

Appropriation:

Multimodal Transportation Account--State \$ 700,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 1,600,000

TOTAL \$ 2,300,000

The appropriation in this section is provided for the construction of truck to rail loading docks in Skagit County.

**CAPITAL--LOCAL PROGRAMS**

**NEW SECTION. Sec. 601. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

School Safety Enhancements

Appropriation:

Motor Vehicle Account--State \$ 1,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 14,000,000

TOTAL \$ 15,000,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity: The department shall only obligate funds or enter into contracts for projects to the extent a motor vehicle account appropriation is provided in this section.

**NEW SECTION. Sec. 602. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

Main Street Pavement Program

Appropriation:

Motor Vehicle Account--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 0

Future Biennia (Projected Costs) \$ 23,000,000

TOTAL \$ 25,000,000

The appropriations in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The department shall only obligate funds or enter into contracts for projects to the extent a motor vehicle account appropriation is provided in this section.

(2) The department shall develop a main street paving program. The program shall utilize a pavement maintenance system with a goal of maintaining streets between PCR ratings of 60 and 100, or an equivalent measure, in cities under 10,000 in total population.

(3) It is the intent of the legislature that the main street paving program remain an ongoing program.

**NEW SECTION. Sec. 603. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL**

Community Economic Revitalization (CERB) - Rural Economic Vitality

Appropriation:

Motor Vehicle Account--State \$ 2,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 28,000,000  
TOTAL \$ 30,000,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The department shall only obligate funds or enter into contract for projects to the extent a motor vehicle account appropriation is provided in this section.

(2) The appropriation in this section is provided solely for grants for transportation capital investments that benefit economic development in rural areas. Grant program criteria shall be the same as the 1999-2000 rural economic vitality program except, grants must not be made to cities with a population of more than 10,000.

**NEW SECTION. Sec. 604. FOR THE TRANSPORTATION IMPROVEMENT BOARD--CAPITAL**  
County Corridor Congestion Relief

Appropriation:

Motor Vehicle Account--State \$ 5,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 50,000,000  
TOTAL \$ 55,000,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The board shall only obligate funds or enter into contracts for projects to the extent a motor vehicle account appropriation is provided in this section.

(2) The board shall consult with the highways and local programs service center at the department of transportation and the Washington state association of counties to create a county corridor congestion relief program. For the purposes of this program, a corridor is an existing or proposed set of county designated arterial roadways that provides continuous primary connectivity between major transportation facilities or destinations. Eligible projects include roadway widening, channelization, signalization, HOV lanes, and intelligent transportation systems.

(3) It is the intent of the legislature that the county corridor program remain an ongoing program.

**NEW SECTION. Sec. 605. FOR THE TRANSPORTATION IMPROVEMENT BOARD--CAPITAL**  
City Corridor Congestion Relief

Appropriation:

Motor Vehicle Account--State \$ 5,000,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 50,000,000  
TOTAL \$ 55,000,000

The appropriation in this section is subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The board shall only obligate funds or enter into contracts for projects to the extent a motor vehicle account appropriation is provided in this section.

(2) The board shall consult with the highways and local programs service center at the department of transportation to create a city corridor congestion relief program. The program shall provide funding for congested urban corridors, as defined and selected by the transportation improvement board in consultation with the association of Washington cities. Eligible projects include roadway widening, channelization, signalization, HOV lanes, and intelligent transportation systems. The agency shall require an appropriate matching component for city corridor grants. Cities shall use motor fuel tax revenue distributed to cities and towns in RCW 46.68.090 to meet the agency match criteria.

(3) It is the intent of the legislature that the city corridor program remains an ongoing program.

**NEW SECTION. Sec. 606. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM**  
**Z--CAPITAL**

Freight Mobility Strategic Investment Board

Appropriation:

Freight Mobility Account--State \$ 8,400,000

Prior Biennia (Expenditures) \$ 0  
Future Biennia (Projected Costs) \$ 107,600,000  
TOTAL \$ 116,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department and freight mobility strategic investment board shall only obligate funds or enter into contract for projects to the extent a freight mobility account--state appropriation is provided in this section.

(2) The freight mobility account--state appropriation in this section is provided for the following local freight projects as identified by the freight mobility strategic investment board:

East Marginal Way Ramps  
Lincoln Ave. Grade Separation  
41st St/Riverfront Parkway (Phase 2)

South Spokane St. Viaduct  
 Shaw Rd. Extension  
 SR 397 Ainsworth Ave. Grade Crossing  
 D St. Grade Separation  
 North Canyon Rd. Exten./BNSF Overcrossing  
 Columbia Center Blvd. Railroad Crossing  
 Colville Alternate Truck Route  
 SR 125/SR 12 Interconnect (Myra Rd. Exten.)  
 Edison St. Railroad Crossing  
 Washington St. Railroad Crossing  
 E. Marine View Drive Widening  
 Port of Kennewick Road (Exten. of Piert Rd.)  
 S 228th Street Extension & Grade Separation  
 City of Yakima Grade Separated Rail Crossing  
 Duwamish Intelligent Transportation Systems (ITS)  
 Lander Street Overcrossing  
 Grain Terminal Track Improvements  
 Park Road BNSF Grade Separation Project

(3) The freight mobility account--state appropriation of \$8,400,000 includes \$8,400,000 in proceeds from the sale of bonds authorized by RCW 47.10.843. The transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

(4) Funds from the appropriation in this section may only be expended with authorization from the freight mobility strategic investment board.

#### TRANSFERS AND DISTRIBUTIONS

**NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE FUND AND TRANSPORTATION FUND REVENUE**

Highway Bond Retirement Account Appropriation \$ 8,195,000

Motor Vehicle Account--State Appropriation \$ 1,750,000

TOTAL \$ 9,945,000

**NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

Motor Vehicle Account--State Appropriation \$ 340,000

**NEW SECTION. Sec. 703. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION**

Motor Vehicle Account--State Appropriation  
 for revenue distribution to the cities \$ 5,843,000

Motor Vehicle Account--State Appropriation  
 for distribution to the counties \$ 5,843,000

TOTAL \$ 11,686,000

The distributions in this section are subject to the following conditions and limitations and specified amounts are provided solely for that activity:

(1) The motor vehicle account--state appropriation to cities is to be distributed consistent with RCW 46.68.110 (4) and (5). Deductions shall not be made for supervision, studies, or the city hardship assistance program.

(2) The distribution to counties shall be distributed in a manner consistent with RCW 46.68.122. Deductions shall not be made for supervision, studies, or the city hardship assistance program.

(3) The amounts provided in this section may not be used to supplant any existing local government funding for transportation projects or programs. Any local government in violation of this requirement shall immediately forfeit its eligibility for future distributions provided under this section.

**NEW SECTION. Sec. 704. FOR THE STATE TREASURER--TRANSFERS**

Motor Vehicle Account--State Appropriation  
 for transfer to the freight mobility  
 account \$ 8,400,000

#### MISCELLANEOUS

**NEW SECTION. Sec. 801.** (1) Agencies shall expedite the expenditure of appropriations in order to: (a) Make transportation improvements and rehabilitate transportation infrastructure resources; (b) accelerate transportation related environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with transportation capital expenditures.

(2) In order to meet the goals of this section, to the extent feasible, agencies are directed to accelerate expenditures and may use contracted design and construction services wherever necessary to meet the goals of this section.

**NEW SECTION. Sec. 802.** To the extent practicable, all state, county, city, local, or municipal projects paid for in whole or in part with funds appropriated in this act shall consider pavement life-cycle costs in determining pavement types.

**NEW SECTION. Sec. 803.** The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. The amounts shown under the heading "Future Biennia" are advisory only and reflect the current best available estimates of project costs and may include but are not limited to the following funding sources: State, local, regional, federal, or private funds.

**NEW SECTION. Sec. 804.** The governor, through the office of financial management, may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand or limit the scope of the project beyond that intended by the legislature in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department or agency and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes which govern the grants.

For purposes of this section, the governor may find that an amount is in excess of the amount required for the completion of a project only if: (1) The project defined in the notes to the budget document is substantially complete and there are funds remaining; (2) bids

have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act; or (3) the secretary of transportation determines that the allocation for the preconstruction phase of the project is in excess of the amount necessary to reach the construction or request for proposal phase.

For the purposes of this section, the legislature intends that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative transportation committees of the senate and the house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

**NEW SECTION. Sec. 805.** Upon completion of the Vancouver high-occupancy vehicle lanes pilot project that began on October 28, 2001, and concludes October 28, 2002, the department of transportation may only proceed with future high-occupancy vehicle lane projects in counties with a population of 300,000 or more that border the state of Oregon, when vehicle spaces at park and ride lots within the county are two and one-half times the capacity in existence on January 1, 2002, or if the Interstate 5 bridge over the Columbia River is retrofitted to include four southbound general purpose lanes.

**NEW SECTION. Sec. 806.** All of the projects for which money is appropriated in sections 301 through 307 of this act are eligible for the permit processes enumerated under chapter 47.06C RCW and developed by the transportation permit efficiency and accountability committee. To the extent practicable, work on these projects shall utilize the processes enumerated under chapter 47.06C RCW and developed by the transportation permit efficiency and accountability committee.

**NEW SECTION. Sec. 807.** Unless otherwise specified, the appropriations for highway capacity expansion in sections 301 through 307 of this act are provided solely for general purpose highway lanes.

**NEW SECTION. Sec. 808.**  
Motor Vehicle Account--State Appropriation \$ 47,392

The appropriation in this section is subject to the following conditions and limitations: The department of agriculture shall make an adhesive label explaining that Washington state gas taxes are for highway purposes only. The label must be in a large, easily readable font and shall read "Washington state gas taxes are used exclusively for highway purposes." The label should be chemical and weather resistant and shall be placed in a conspicuous location at motor fuel retailers as defined in RCW 19.120.010, by December 31, 2002.

**NEW SECTION. Sec. 809.** A new section is added to chapter 47.05 RCW to read as follows:

This chapter does not apply to the 2001-03 transportation budget appropriating new transportation revenue.

**NEW SECTION. Sec. 810.** A new section is added to chapter 47.08 RCW to read as follows:

This chapter does not apply to the 2001-03 transportation budget appropriating new transportation revenue.

**NEW SECTION. Sec. 811.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 812.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, only if Engrossed Substitute House Bill No. 2969 becomes law.

## MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "appropriations;" strike the remainder of the title and insert "adding a new section to chapter 47.05 RCW; adding a new section to chapter 47.08 RCW; creating new sections; making appropriations; authorizing expenditures for capital improvements; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6347 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute Senate Bill No. 6347.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6347 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brown, Carlson, Costa, Deccio, Eide, Fairley, Finkbeiner, Franklin, Fraser, Gardner, Hale, Haugen, Hewitt, Horn, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, Long, McAuliffe, McDonald, Morton, Oke, Parlette, Poulsen, Prentice, Rasmussen, Regala, Rossi, Sheahan, Sheldon, B., Sheldon, T., Shin, Snyder, Spanel, Stevens, Swecker, Thibaudeau, West, Winsley and Zarelli - 43.

Voting nay: Senators Hargrove, Hochstatter, Honeyford, Kline and Roach - 5.

Excused: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

## MOTION

On motion of Senator Betti Sheldon, Engrossed Substitute Senate Bill No. 6347 was ordered to be immediately transmitted to the House of Representatives.

## MOTION

On motion of Senator Honeyford, Senator Deccio was excused.

## MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.  
There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 2969, deferred earlier today.

#### MOTION

On motion of Senator Haugen, the following amendments to the striking amendment were considered simultaneously and adopted.

On page 12, line 27, strike "2002" and insert "2003"  
On page 12, line 32, strike "2003" and insert "2004"  
On page 17, line 4, strike "2002" and insert "2003"  
On page 17, line 7, strike "2003" and insert "2004"  
On page 17, line 17, strike "2002" and insert "2003"  
On page 17, line 21, strike "2003" and insert "2004"  
On page 37, line 28, strike "January 1, 2002" and insert "December 30, 2002"

Renumber the sections consecutively and correct any internal references accordingly.

The President declared the question before the Senate to be the adoption of the striking amendment, as amended, to Engrossed Substitute House 2969.

The motion by Senator Haugen carried and the striking amendment, as amended, was adopted.

#### MOTIONS

On motion of Senator Haugen, the following title amendment was adopted:

On page 1, line 1 of the title, after "financing;" strike the remainder of the title and insert "amending RCW 44.40.010, 44.40.013, 44.40.015, 44.40.020, 44.40.025, 44.40.030, 44.40.040, 44.40.070, 44.40.090, 44.40.100, 44.40.140, 44.40.150, 46.16.070, 46.68.035, 82.38.030, 82.38.035, 82.38.045, 82.38.047, 82.38.075, 46.09.170, 46.10.170, 79A.25.070, 82.08.020, 82.12.020, 82.12.045, and 39.42.060; reenacting and amending RCW 43.84.092, 82.36.025, 46.68.090, and 46.68.110; adding new sections to chapter 44.40 RCW; adding a new section to chapter 46.04 RCW; adding a new section to chapter 46.68 RCW; adding a new section to chapter 47.26 RCW; adding a new section to chapter 43.135 RCW; adding a new section to chapter 82.32 RCW; adding new sections to chapter 47.10 RCW; creating new sections; providing effective dates; providing a contingent effective date; providing for submission of certain sections of this act to a vote of the people; and declaring an emergency."

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute House Bill No. 2969, as amended by the Senate under suspension of the rules, was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

#### PARLIAMENTARY INQUIRY

Senator Benton: "A parliamentary inquiry, Mr. President. This bill now includes a referendum clause sending it to the voters for their approval. Is that correct?"

#### REPLY BY THE PRESIDENT

President Owen: "Your question should be directed to Senator Haugen. Senator Haugen do you yield?"

Senator Haugen: "I do yield to the question. Yes, it does. It sends it to the ballot in November."

#### PARLIAMENTARY INQUIRY

Senator Benton: "Another parliamentary inquiry, Mr. President. With the referendum clause on a bill, it does not go to the Governor's desk. Is that correct that it goes directly to the people?"

#### REPLY BY THE PRESIDENT

President Owen: "Senator Benton, the President believes that you are correct that with a referendum clause, it would not go to the Governor. However, that does not rule out that there are other sections of the bill or something that might allow that to go to the Governor for his review. That question is not one that is normally answered by the President."

Senator Benton: "Thank you, Mr. President. I urge the chamber to support this bill and send it over to the House."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed Substitute House Bill No. 2969, as amended by the Senate under suspension of the rules.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2969, as amended by the Senate under suspension of the rules, and the bill passed the Senate by the following vote: Yeas, 30; Nays, 17; Absent, 0; Excused, 2.

Voting yea: Senators Benton, Brown, Costa, Eide, Fairley, Finkbeiner, Fraser, Gardner, Hale, Haugen, Hewitt, Horn, Johnson, Kastama, Keiser, Long, McAuliffe, McDonald, Oke, Parlette, Prentice, Rasmussen, Regala, Rossi, Shin, Snyder, Swecker, West, Winsley and Zarelli - 30.

Voting nay: Senators Carlson, Franklin, Hargrove, Hochstatter, Honeyford, Jacobsen, Kline, Kohl-Welles, Morton, Poulsen, Roach, Sheahan, Sheldon, B., Sheldon, T., Spanel, Stevens and Thibaudeau - 17.

Excused: Senators Deccio and McCaslin - 2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2969, as amended by the Senate under suspension of the rules, having received the constitutional majority, was declared passed. There being no objection, the title of the bill will stand as the title of the act.

#### MOTION

On motion of Senator Betti Sheldon, Substitute House Bill No. 2969, as amended by the Senate, was ordered to be immediately transmitted to the House of Representatives.

#### PARLIAMENTARY INQUIRY

Senator Snyder: "A parliamentary inquiry, Mr. President. What time do you have on the official time clock?"

#### REPLY BY THE PRESIDENT

President Owen: "11:55 and 22 seconds, 23 seconds."

#### MESSAGES FROM THE HOUSE

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2451.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The House concurred in the Senate amendment(s) to the following bills:  
SECOND SUBSTITUTE HOUSE BILL NO. 2697,  
SUBSTITUTE HOUSE BILL NO. 2807.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The Speaker has signed HOUSE BILL NO. 2846, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The House has passed:  
SECOND SUBSTITUTE SENATE BILL NO. 5965,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6008, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The Speaker has signed:  
SUBSTITUTE SENATE BILL NO. 5097,  
SUBSTITUTE SENATE BILL NO. 6396,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6560,  
SENATE BILL NO. 6818,  
SENATE BILL NO. 6835, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE BILL NO. 2846.

SIGNED BY THE PRESIDENT

The President signed:  
SECOND SUBSTITUTE SENATE BILL NO. 5965,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6008.

MESSAGES FROM THE HOUSE

March 14, 2002

MR. PRESIDENT:  
The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4428, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:  
The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4429, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:  
The House has adopted HOUSE CONCURRENT RESOLUTION NO. 4430, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 4428 By Representative Kessler and Mastin

Returning documents to house of origin.

HCR 4429 By Representative Kessler and Mastin

Notifying the governor of adjournment sine die.

HCR 4429 By Representative Kessler and Mastin

Adjourning sine die.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4428, House Concurrent Resolution No. 4429, and House Concurrent Resolution No. 4430 were advanced to second reading and placed on the second reading calendar.

MOTION

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4428, by Representatives Kessler and Mastin.

Returning documents to house of origin.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4428 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

HOUSE CONCURRENT RESOLUTION NO. 4428 was adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4429 by Representatives Kessler and Mastin.

Notifying the governor of adjournment sine die.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4429 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

HOUSE CONCURRENT RESOLUTION NO. 4429 as adopted by voice vote.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 4430, by Representatives Kessler and Mastin.

Adjourning sine die.

The concurrent resolution was read the second time.

MOTION

On motion of Senator Betti Sheldon, the rules were suspended, House Concurrent Resolution No. 4430 was advanced to third reading, the second reading considered the third and the concurrent resolution was placed on final passage and adopted.

HOUSE CONCURRENT RESOLUTION NO. 4430 as adopted by voice vote.

APPOINTMENT OF SPECIAL COMMITTEE TO NOTIFY  
THE GOVERNOR OF ADJOURNMENT SINE DIE

Under the provisions of House Concurrent Resolution No. 4429, the President appointed Senators Keiser and Zarelli to join a like committee from the House of Representatives to notify the Governor that the Legislature is about to adjourn Sine Die.

MOTION

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

MOTION

On motion of Senator Betti Sheldon, the following resolution was adopted:

SENATE RESOLUTION 8793

By Senators Snyder and West

WHEREAS, The 2002 Regular Session of the Fifty-seventh Legislature is drawing to a close; and  
WHEREAS, It is necessary to provide for the completion of the work of the Senate after its adjournment and during the interim period between the close of the 2002 Regular Session of the Fifty-seventh Legislature and the convening of the next regular session;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Facilities and Operations Committee shall have full authority and direction over the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of Senate appropriations; and

BE IT FURTHER RESOLVED, That the Senate Facilities and Operations Committee may, as they deem appropriate, authorize out-of-state travel for which members and staff may receive therefor their actual necessary expenses, and such per diem as may be authorized by law, to be paid upon receipt of their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Senate Facilities and Operations Committee be, and they hereby are, authorized to retain such employees as they may deem necessary and that said employees be allowed such rate of pay therefor as the Secretary of the Senate and the Senate Facilities and Operations Committee shall deem proper; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and he hereby is, authorized and directed to make out and execute the necessary vouchers upon which warrants for legislative expenses and expenditures shall be drawn from funds provided therefor; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate and the Facilities and Operations Committee be, and they hereby are, authorized to approve written requests by standing committees to meet during the interim period; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be, and hereby is, authorized and directed to have printed a copy of the Senate Journals of the 2002 Regular Session of the Fifty-seventh Legislature; and

BE IT FURTHER RESOLVED, That the Rules Committee is authorized to assign subject matters to standing committees for study during the interims, and the Majority Leader is authorized to create special committees as may be necessary to carry out the functions of the Senate in an orderly manner and appoint members thereto with the approval of the Facilities and Operations Committee; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized to express the sympathy of the Senate by sending flowers or memorials in the event of a bereavement in the legislative "family"; and

BE IT FURTHER RESOLVED, That such use of the Senate facilities is permitted upon such terms as the Secretary of the Senate shall deem proper.

#### MOTION

On motion of Senator Betti Sheldon, the Senate returned to the fourth order of business.

#### MESSAGES FROM THE HOUSE

March 14, 2002

MR. PRESIDENT:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 2697,  
SUBSTITUTE HOUSE BILL NO. 2807, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The Speaker has signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2451,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2969, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The House has passed ENGROSSED SENATE BILL NO. 6347, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The Speaker has signed:

SECOND ENGROSSED SENATE BILL NO. 5965,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6008, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 6347.

SIGNED BY THE PRESIDENT

The President signed:  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2451,  
SECOND SUBSTITUTE HOUSE BILL NO. 2697,  
SUBSTITUTE HOUSE BILL NO. 2807.  
ENGROSSED HOUSE BILL NO. 2969.

REPORT OF SPECIAL COMMITTEE APPOINTED TO NOTIFY  
THE GOVERNOR OF ADJOURNMENT SINE DIE

The Sergeant at Arms announced the arrival of the special committee, composed of Senators Keiser and Zarelli, who were appointed under the provisions of House Concurrent Resolution No. 4429. The committee reported they joined a like committee from the House of Representatives and notified the Governor that the Legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

MOTION

Under the provisions of House Concurrent Resolution No. 4428, on motion of Senator Betti Sheldon, the following House Bills were returned to the House of Representatives:

SECOND SUBSTITUTE HOUSE BILL NO. 1011,  
SECOND SUBSTITUTE HOUSE BILL NO. 1157,  
HOUSE BILL NO. 1179,  
SUBSTITUTE HOUSE BILL NO. 1277,  
HOUSE BILL NO. 1279,  
HOUSE BILL NO. 1324,  
HOUSE BILL NO. 1433,  
HOUSE BILL NO. 1454,  
SUBSTITUTE HOUSE BILL NO. 1469,  
THIRD SUBSTITUTE HOUSE BILL NO. 1517,  
HOUSE BILL NO. 1612,  
SUBSTITUTE HOUSE BILL NO. 1640,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1663,  
SECOND SUBSTITUTE HOUSE BILL NO. 1849,  
HOUSE BILL NO. 1852,  
HOUSE BILL NO. 2170,  
SECOND SUBSTITUTE HOUSE BILL NO. 2190,  
SUBSTITUTE HOUSE BILL NO. 2294,  
HOUSE BILL NO. 2295,  
SUBSTITUTE HOUSE BILL NO. 2296,  
HOUSE BILL NO. 2297,  
HOUSE BILL NO. 2310,  
ENGROSSED HOUSE BILL NO. 2319,  
HOUSE BILL NO. 2321,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2324,  
ENGROSSED HOUSE BILL NO. 2328,  
HOUSE BILL NO. 2329,  
SUBSTITUTE HOUSE BILL NO. 2337,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2341,  
HOUSE BILL NO. 2350,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2353,  
HOUSE BILL NO. 2354,  
SUBSTITUTE HOUSE BILL NO. 2355,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2356,  
SUBSTITUTE HOUSE BILL NO. 2360,  
HOUSE BILL NO. 2362,  
SUBSTITUTE HOUSE BILL NO. 2364,  
HOUSE BILL NO. 2375,  
SUBSTITUTE HOUSE BILL NO. 2378,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2385,  
SUBSTITUTE HOUSE BILL NO. 2389,  
HOUSE BILL NO. 2391,  
HOUSE BILL NO. 2392,  
HOUSE BILL NO. 2394,  
SUBSTITUTE HOUSE BILL NO. 2395,  
HOUSE BILL NO. 2404,

SUBSTITUTE HOUSE BILL NO. 2406,  
HOUSE BILL NO. 2410,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2411,  
SUBSTITUTE HOUSE BILL NO. 2412,  
SUBSTITUTE HOUSE BILL NO. 2416,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2419,  
HOUSE BILL NO. 2436,  
ENGROSSED HOUSE BILL NO. 2440,  
HOUSE BILL NO. 2448,  
HOUSE BILL NO. 2454,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2473,  
SUBSTITUTE HOUSE BILL NO. 2477,  
SUBSTITUTE HOUSE BILL NO. 2486,  
SUBSTITUTE HOUSE BILL NO. 2492,  
ENGROSSED HOUSE BILL NO. 2500,  
HOUSE BILL NO. 2508,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2518,  
HOUSE BILL NO. 2521,  
HOUSE BILL NO. 2524,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2532,  
SECOND SUBSTITUTE HOUSE BILL NO. 2534,  
HOUSE BILL NO. 2551,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2563,  
HOUSE BILL NO. 2564,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2565,  
ENGROSSED HOUSE BILL NO. 2573,  
SUBSTITUTE HOUSE BILL NO. 2577,  
HOUSE BILL NO. 2584,  
SUBSTITUTE HOUSE BILL NO. 2604,  
ENGROSSED HOUSE BILL NO. 2607,  
SUBSTITUTE HOUSE BILL NO. 2611,  
HOUSE BILL NO. 2613,  
SUBSTITUTE HOUSE BILL NO. 2617,  
SUBSTITUTE HOUSE BILL NO. 2628,  
SUBSTITUTE HOUSE BILL NO. 2632,  
SUBSTITUTE HOUSE BILL NO. 2637,  
HOUSE BILL NO. 2642,  
HOUSE BILL NO. 2649,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2658,  
SUBSTITUTE HOUSE BILL NO. 2661,  
HOUSE BILL NO. 2666,  
HOUSE BILL NO. 2668,  
HOUSE BILL NO. 2678,  
HOUSE BILL NO. 2685,  
SUBSTITUTE HOUSE BILL NO. 2702,  
SUBSTITUTE HOUSE BILL NO. 2710,  
HOUSE BILL NO. 2716,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2735,  
SUBSTITUTE HOUSE BILL NO. 2741,  
SUBSTITUTE HOUSE BILL NO. 2744,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2750,  
SUBSTITUTE HOUSE BILL NO. 2753,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2757,  
ENGROSSED HOUSE BILL NO. 2759,  
HOUSE BILL NO. 2772,  
HOUSE BILL NO. 2817,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2829,  
HOUSE BILL NO. 2838,  
HOUSE BILL NO. 2842,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2844,  
SUBSTITUTE HOUSE BILL NO. 2845,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2847,  
SUBSTITUTE HOUSE BILL NO. 2853,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2854,  
SUBSTITUTE HOUSE BILL NO. 2879,  
HOUSE BILL NO. 2891,  
HOUSE BILL NO. 2896,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2941,  
HOUSE BILL NO. 2971,  
SUBSTITUTE HOUSE BILL NO. 2990,

SUBSTITUTE HOUSE BILL NO. 2995,  
ENGROSSED HOUSE BILL NO. 3002,  
HOUSE JOINT MEMORIAL NO. 4015,  
HOUSE JOINT MEMORIAL NO. 4016,  
HOUSE JOINT MEMORIAL NO. 4018,  
HOUSE JOINT MEMORIAL NO. 4022,  
HOUSE JOINT MEMORIAL NO. 4023,  
HOUSE JOINT MEMORIAL NO. 4024,  
HOUSE JOINT MEMORIAL NO. 4027,  
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4411.

MESSAGES FROM THE HOUSE

March 14, 2002

MR. PRESIDENT:

The Speaker has signed:  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6347, and the same is herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

March 14, 2002

MR. PRESIDENT:

The Speaker has signed:  
HOUSE CONCURRENT RESOLUTION NO. 4428,  
HOUSE CONCURRENT RESOLUTION NO. 4429,  
HOUSE CONCURRENT RESOLUTION NO. 4430, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:  
HOUSE CONCURRENT RESOLUTION NO. 4428,  
HOUSE CONCURRENT RESOLUTION NO. 4429,  
HOUSE CONCURRENT RESOLUTION NO. 4430.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:  
Under the provisions of House Concurrent Resolution No. 4428, the House herewith returns the following Senate bills to the Senate:

SUBSTITUTE SENATE BILL NO. 5028,  
SECOND SUBSTITUTE SENATE BILL NO. 5078,  
SECOND SUBSTITUTE SENATE BILL NO. 5104,  
SUBSTITUTE SENATE BILL NO. 5107,  
SECOND ENGROSSED SENATE BILL NO. 5112,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5134,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5162,  
SENATE BILL NO. 5188,  
SECOND SUBSTITUTE SENATE BILL NO. 5218,  
SENATE BILL NO. 5253,  
SUBSTITUTE SENATE BILL NO. 5283,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5329,  
SECOND SUBSTITUTE SENATE BILL NO. 5336,  
SENATE BILL NO. 5352,  
SUBSTITUTE SENATE BILL NO. 5376,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5416,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5425,  
SENATE BILL NO. 5426,  
SENATE BILL NO. 5451,  
ENGROSSED SENATE BILL NO. 5459,  
SECOND SUBSTITUTE SENATE BILL NO. 5480,  
SENATE BILL NO. 5488,  
SECOND SUBSTITUTE SENATE BILL NO. 5506,  
SECOND ENGROSSED SENATE BILL NO. 5522,  
SENATE BILL NO. 5546,  
SENATE BILL NO. 5568,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5571,  
SENATE BILL NO. 5591,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5670,

SENATE BILL NO. 5683,  
SENATE BILL NO. 5694,  
SENATE BILL NO. 5699,

SUBSTITUTE SENATE BILL NO. 5700,  
SENATE BILL NO. 5739,  
SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5743,  
THIRD ENGROSSED SENATE BILL NO. 5749,  
SECOND ENGROSSED SENATE BILL NO. 5759  
SECOND ENGROSSED SENATE BILL NO. 5760,  
THIRD ENGROSSED SENATE BILL NO. 5764,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5770,  
SENATE BILL NO. 5782,  
SUBSTITUTE SENATE BILL NO. 5791,  
SECOND SUBSTITUTE SENATE BILL NO. 5797,  
SENATE BILL NO. 5829,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5831,  
ENGROSSED SENATE BILL NO. 5833,  
SECOND ENGROSSED SENATE BILL NO. 5872,  
SENATE BILL NO. 5878,  
SENATE BILL NO. 5886,  
ENGROSSED SENATE BILL NO. 5888,  
SECOND ENGROSSED SENATE BILL NO. 5906,  
SECOND SUBSTITUTE SENATE BILL NO. 5909,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 5997,  
SENATE BILL NO. 6003,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6034,  
SENATE BILL NO. 6066,  
SUBSTITUTE SENATE BILL NO. 6249,  
SENATE BILL NO. 6251,  
SENATE BILL NO. 6252,  
SENATE BILL NO. 6253,  
SUBSTITUTE SENATE BILL NO. 6284,  
SUBSTITUTE SENATE BILL NO. 6288,  
SUBSTITUTE SENATE BILL NO. 6289,  
SENATE BILL NO. 6317,  
SENATE BILL NO. 6319,  
SENATE BILL NO. 6323,  
SENATE BILL NO. 6325,  
SUBSTITUTE SENATE BILL NO. 6327,  
SENATE BILL NO. 6337,  
SUBSTITUTE SENATE BILL NO. 6343,  
ENGROSSED SENATE BILL NO. 6352,  
SECOND SUBSTITUTE SENATE BILL NO. 6356,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6359,  
ENGROSSED SENATE BILL NO. 6368,  
SENATE BILL NO. 6377,  
SENATE BILL NO. 6383,  
SUBSTITUTE SENATE BILL NO. 6393,  
SENATE BILL NO. 6395,  
SENATE BILL NO. 6405,  
SUBSTITUTE SENATE BILL NO. 6407,  
SENATE BILL NO. 6411,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6414,  
SENATE BILL NO. 6420,  
SENATE BILL NO. 6427,  
SENATE BILL NO. 6432,  
SENATE BILL NO. 6437,  
SUBSTITUTE SENATE BILL NO. 6444,  
SUBSTITUTE SENATE BILL NO. 6447,  
SENATE BILL NO. 6458,  
SENATE BILL NO. 6462,  
SUBSTITUTE SENATE BILL NO. 6463,  
SUBSTITUTE SENATE BILL NO. 6468,  
SUBSTITUTE SENATE BILL NO. 6473,  
SUBSTITUTE SENATE BILL NO. 6474,  
SENATE BILL NO. 6476,  
SENATE BILL NO. 6478,  
SENATE BILL NO. 6480,  
SENATE BILL NO. 6492,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6494,  
SUBSTITUTE SENATE BILL NO. 6496,  
SENATE BILL NO. 6497,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6499,  
SUBSTITUTE SENATE BILL NO. 6501,  
SUBSTITUTE SENATE BILL NO. 6504,  
SENATE BILL NO. 6510,  
SUBSTITUTE SENATE BILL NO. 6513,  
SUBSTITUTE SENATE BILL NO. 6523,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6524,  
ENGROSSED SENATE BILL NO. 6525,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6528,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6531,  
SUBSTITUTE SENATE BILL NO. 6534,  
SUBSTITUTE SENATE BILL NO. 6536,  
SUBSTITUTE SENATE BILL NO. 6540,  
SUBSTITUTE SENATE BILL NO. 6547,  
SUBSTITUTE SENATE BILL NO. 6548,  
SENATE BILL NO. 6559,  
ENGROSSED SENATE BILL NO. 6564,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6568,  
SUBSTITUTE SENATE BILL NO. 6570,  
SUBSTITUTE SENATE BILL NO. 6582,  
SENATE BILL NO. 6584,  
SENATE BILL NO. 6585,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6589,  
SUBSTITUTE SENATE BILL NO. 6590,  
SUBSTITUTE SENATE BILL NO. 6598,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6619,  
SUBSTITUTE SENATE BILL NO. 6625,  
SUBSTITUTE SENATE BILL NO. 6626,  
SENATE BILL NO. 6637,  
SUBSTITUTE SENATE BILL NO. 6640,  
SUBSTITUTE SENATE BILL NO. 6648,  
SUBSTITUTE SENATE BILL NO. 6650,  
SUBSTITUTE SENATE BILL NO. 6660,  
ENGROSSED SENATE BILL NO. 6682,  
SENATE BILL NO. 6685,  
ENGROSSED SUBSTITUTE SENATE BILL NO. 6704,  
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6718,  
SUBSTITUTE SENATE BILL NO. 6719,  
SUBSTITUTE SENATE BILL NO. 6721,  
SENATE BILL NO. 6725,  
SUBSTITUTE SENATE BILL NO. 6735,  
SENATE BILL NO. 6737,  
SENATE BILL NO. 6749,  
SUBSTITUTE SENATE BILL NO. 6751,  
ENGROSSED SENATE BILL NO. 6769,  
SENATE BILL NO. 6777,  
SENATE BILL NO. 6779,  
SENATE BILL NO. 6793,  
SENATE JOINT MEMORIAL NO. 8005,  
SENATE JOINT MEMORIAL NO. 8007,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8026,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8029,  
SENATE JOINT MEMORIAL NO. 8030,  
SENATE JOINT MEMORIAL NO. 8034,  
SUBSTITUTE SENATE JOINT MEMORIAL NO. 8036,  
SENATE JOINT MEMORIAL NO. 8038,  
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404,  
SENATE CONCURRENT RESOLUTION NO. 8406,  
SENATE CONCURRENT RESOLUTION NO. 8434,  
SENATE CONCURRENT RESOLUTION NO. 8435, and the same are herewith transmitted.

CYNTHIA ZEHNDER, Chief Clerk

MOTION

On motion of Senator Betti Sheldon, the Senate Journal for the sixtieth day of the 2002 Regular Session of the Fifty-seventh Legislature was approved.

MOTION

At 12:59 a.m., on motion of Senator Betti Sheldon, the 2002 Regular Session of the Fifty-seventh Legislature adjourned SINE DIE.

BRAD OWEN, President of the Senate

TONY M. COOK, Secretary of the Senate

JOURNAL OF THE SENATE

SIXTIETH DAY, MARCH 14, 2002