

2005

SESSION LAWS

OF THE

STATE OF WASHINGTON

REGULAR SESSION
FIFTY-NINTH LEGISLATURE
Convened January 10, 2005. Adjourned April 24, 2005.



Published at Olympia by the Statute Law Committee under
Chapter 6, Laws of 1969.

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Code Reviser

<http://www1.leg.wa.gov/codereviser>

WASHINGTON SESSION LAWS

GENERAL INFORMATION

1. EDITIONS AVAILABLE.

(a) *General Information.* The session laws are printed successively in two editions:

(i) a temporary pamphlet edition consisting of a series of one or more paper bound books, which are published as soon as possible following the session, at random dates as accumulated; followed by

(ii) a permanent hardbound edition containing the accumulation of all laws adopted in the legislative session. Both editions contain a subject index and tables indicating Revised Code of Washington sections affected.

(b) *Where and how obtained - price.* Both the temporary and permanent session laws may be ordered from the Statute Law Committee, Pritchard Building, P.O. Box 40552, Olympia, Washington 98504-0552. The temporary pamphlet edition costs \$21.68 per set (\$20.00 plus \$1.68 for state and local sales tax at 8.4%). The permanent edition costs \$37.94 per volume (\$35.00 plus \$2.94 for state and local sales tax at 8.4%). All orders must be accompanied by payment.

2. PRINTING STYLE - INDICATION OF NEW OR DELETED MATTER

Both editions of the session laws present the laws in the form in which they were enacted by the legislature. This style quickly and graphically portrays the current changes to existing law as follows:

(a) In amendatory sections

(i) underlined matter is new matter.

(ii) deleted matter is (~~lined out and bracketed between double parentheses~~).

(b) Complete new sections are prefaced by the words NEW SECTION.

3. PARTIAL VETOES

(a) Vetoed matter is *printed in bold italics*.

(b) Pertinent excerpts of the governor's explanation of partial vetoes are printed at the end of the chapter concerned.

4. EDITORIAL CORRECTIONS.

Words and clauses inserted in the session laws under the authority of RCW 44.20.060 are enclosed in [brackets].

5. EFFECTIVE DATE OF LAWS

(a) The state Constitution provides that unless otherwise qualified, the laws of any session take effect ninety days after adjournment sine die. The Secretary of State has determined the pertinent date for the Laws of the 2005 regular session to be July 24, 2005 (midnight July 23rd).

(b) Laws that carry an emergency clause take effect immediately upon approval by the Governor.

(c) Laws that prescribe an effective date take effect upon that date.

6. INDEX AND TABLES

A cumulative index and tables of all 2005 laws may be found at the back of the final pamphlet edition and the permanent hardbound edition.

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CHAPTER 491

[Engrossed Substitute House Bill 1252]

FAMILY PRESERVATION EDUCATION PROGRAM

AN ACT Relating to family and consumer science education; adding a new section to chapter 28A.230 RCW; adding a new section to chapter 28A.300 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that effective relationship skills are used in parenting, the workplace, schools, neighborhoods, and other relationships. The state has a compelling interest in encouraging its citizens in developing the parenting and communication skills vital for successful and fulfilling family relationships.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.230 RCW to read as follows:

Each school district board of directors is encouraged to adopt a family preservation education program curriculum and offer a family preservation unit in high school. The board of directors may adopt the model curriculum developed by the superintendent of public instruction or the board may develop its own curriculum with input from the community.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

The office of the superintendent of public instruction shall develop a family preservation education program model curriculum that is available to each of the school district boards of directors. The model curriculum shall be posted on the superintendent of public instruction's web site. The model curriculum shall include, but is not limited to, instruction on developing conflict management skills, communication skills, domestic violence and dating violence, financial responsibility, and parenting responsibility.

Passed by the House April 18, 2005.

Passed by the Senate April 12, 2005.

Approved by the Governor May 16, 2005.

Filed in Office of Secretary of State May 16, 2005.

CHAPTER 492

[House Bill 1485]

SCHOOL BUS BID PROCESS

AN ACT Relating to the school bus bid process; and amending RCW 28A.160.195.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 28A.160.195 and 2004 c 276 s 904 are each amended to read as follows:

(1) The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall establish a minimum number of school bus categories considering the capacity and type of vehicles required by school districts in Washington. The superintendent, in consultation with the regional transportation coordinators of the educational service districts, shall establish competitive specifications for each category of school bus. The categories shall be developed to produce

minimum long-range operating costs, including costs of equipment and all costs in operating the vehicles. ~~((The categories, for purposes of comparative studies, will be at a minimum the same as those in the beginning of the 1994-95 school year.))~~ The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts. ~~((In fiscal year 2005,))~~ The superintendent may solicit and accept price quotes for a rear-engine category school bus that shall be reimbursed at the price of the corresponding front engine category.

(2) After establishing school bus categories and competitive specifications, the superintendent of public instruction shall solicit competitive price quotes for base buses from school bus dealers to be in effect for one year and shall ~~((a) except in fiscal year 2005, establish a list of the lowest competitive price quotes obtained under this subsection, and (b) in fiscal year 2005,))~~ establish a list of all accepted price quotes in each category obtained under this subsection. The superintendent shall also solicit price quotes for optional features and equipment.

(3) The superintendent shall base the level of reimbursement to school districts and educational service districts for school buses on the lowest quote for the base bus in each category. School districts and educational service districts shall be reimbursed for buses purchased only through a lowest-price competitive bid process conducted under RCW 28A.335.190 or through the state bid process established by this section.

(4) Notwithstanding RCW 28A.335.190, school districts and educational service districts may purchase at the quoted price directly from ~~((the))~~ any dealer who is ~~((providing the lowest competitive price quote))~~ on the list established under subsection (2) of this section ~~((and in fiscal year 2005 from any dealer on the list established under subsection (2)(b) of this section))~~. School districts and educational service districts may make their own selections for school buses, and shall be reimbursed at the rates determined under subsection (3) of this section and RCW 28A.160.200. District-selected options shall not be reimbursed by the state. ~~((For the 2003-05 fiscal biennium, school districts and educational service districts shall be reimbursed for buses purchased only through a lowest-price competitive bid process conducted pursuant to RCW 28A.335.190 or through the state bid process established by this section.))~~

(5) This section does not prohibit school districts or educational service districts from conducting their own competitive bid process.

(6) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

Passed by the House April 19, 2005.

Passed by the Senate April 23, 2005.

Approved by the Governor May 16, 2005.

Filed in Office of Secretary of State May 16, 2005.

CHAPTER 493

[Substitute House Bill 1893]

TEACHER CERTIFICATION—DEAF AND HARD OF HEARING STUDENTS

AN ACT Relating to certification of teachers of the deaf and hard of hearing; adding a new section to chapter 28A.410 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that the quality of education for children who are deaf or hard of hearing and the expectations for those children's achievement should be equivalent to those for children throughout the state. The legislature also finds that deaf and hard of hearing children can benefit greatly if they are taught by an educator who is trained to understand the learning and communication issues the children face. Educators who received teacher training in a program for the deaf and hard of hearing are sensitive to the needs of deaf and hard of hearing students and are able to provide appropriate strategies to assist students in reacting to and interacting with their environment. The legislature intends to assist school districts in their efforts to attract teachers who are especially trained to work with deaf and hard of hearing students by directing the state board of education to establish a certification endorsement for teachers of the deaf and hard of hearing.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.410 RCW to read as follows:

The agency responsible for teacher certification shall develop certification endorsement requirements for teachers of deaf and hard of hearing students. The endorsement shall be focused on the specific skills and knowledge necessary to serve the education and communication needs of deaf and hard of hearing students. In establishing rules for the endorsement of teachers who will be working almost exclusively with students who are deaf or hard of hearing, the agency shall consider applicants to have met state endorsement requirements if they possess a baccalaureate or master's degree in deaf education from a teacher training program approved by the council on education of the deaf.

Passed by the House April 23, 2005.

Passed by the Senate April 22, 2005.

Approved by the Governor May 16, 2005.

Filed in Office of Secretary of State May 16, 2005.

CHAPTER 494

[Substitute House Bill 1987]

COMMON SCHOOLS—ALTERNATIVE ASSESSMENTS

AN ACT Relating to alternative assessments; and adding a new section to chapter 28A.655 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.655 RCW to read as follows:

By January 15, 2006, the office of the superintendent of public instruction, as part of any feasibility study of options for the alternative assessments under RCW 28A.655.061(11), shall review the course requirements and assessments in

one or more representative career and technical programs that lead to industry certification to determine the alignment of the courses and assessments with the essential academic learning requirements measured in the high school Washington assessment of student learning. The purpose of the review is to determine if the certifications can be used as evidence that a student has met the standards measured by the Washington assessment of student learning. The review also shall evaluate the statewide availability and use of the certifications. As part of the review, the superintendent shall make a determination of the extent to which the certifications are comparable in rigor to the reading, writing, mathematics, or science Washington assessments of student learning, and whether they should be used as alternative assessments. The superintendent also shall develop a process for reviewing additional industry certification programs after the initial review.

Passed by the House March 10, 2005.

Passed by the Senate April 20, 2005.

Approved by the Governor May 16, 2005.

Filed in Office of Secretary of State May 16, 2005.

CHAPTER 495

[Engrossed House Bill 1998]

WASHINGTON ASSESSMENT OF STUDENT LEARNING—APPLE AWARD

AN ACT Relating to awards for the improvement of student achievement; and adding a new section to chapter 28A.655 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.655 RCW to read as follows:

(1) It is the intent of the legislature, through the creation of the apple award, to honor and reward students in Washington's public elementary schools who have shown significant improvement in their school's results on the Washington assessment of student learning.

(2) The apple award program is created to honor and reward public elementary schools that have the greatest combined average increase in the percentage of students meeting the fourth grade reading, mathematics, and writing standards on the Washington assessment of student learning each school year. The program shall be administered by the state board of education.

(3) Within the amounts appropriated for this purpose, each school that receives an apple award shall be provided with a twenty-five thousand dollar grant to be used for capital construction purposes that have been selected by students in the school and approved by the district's school directors. The funds may be used exclusively for capital construction projects on school property or on other public property in the community, city, or county in which the school is located.

Passed by the House April 20, 2005.

Passed by the Senate April 15, 2005.

Approved by the Governor May 16, 2005.

Filed in Office of Secretary of State May 16, 2005.

CHAPTER 496

[Engrossed Second Substitute Senate Bill 5441]

COMPREHENSIVE EDUCATION STUDY STEERING COMMITTEE

AN ACT Relating to studying early learning, K-12, and higher education; creating new sections; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that:

(1) The early years mark the most extraordinary period of growth for young children. The state's role in providing access to early learning opportunities has never been consistently defined;

(2) More than a quarter of a century has passed since the current school finance system was first created, and the challenges facing our schools and students have grown and changed dramatically during that time. Policies have been established creating new expectations and goals for students under education reform;

(3) Demographic pressures and work force needs will continue to increase demand for access to postsecondary education and training. Public two-year and four-year institutions of higher education are also important avenues for programs such as adult basic education and English as a second language that are the foundation for employment and further education for an increasing number of people. Washington ranks thirty-third in the nation in the number of bachelor's degrees earned per one thousand residents ages twenty through twenty-nine years, and will graduate the largest high school class in its history in 2008. Washington citizens deserve access to baccalaureate degree opportunities. Washington's public universities and colleges engage in research that contributes to the economic and social well-being of the state. Students have paid an increasing cost of their education with tuition growing faster than personal income or inflation; and

(4) Through a comprehensive study, the legislature will have solid information to determine how best to use its resources to create a strong education system that will provide an educated citizenry and a thriving economy in this state.

NEW SECTION. Sec. 2. (1) The comprehensive education study steering committee is created.

(2) Members of the steering committee shall include: The governor who shall chair the steering committee; the director of the office of financial management; two members from the house of representatives with one appointed by each major caucus; two members from the senate with one appointed by each major caucus; four citizens appointed by the governor; and the chairs of each of the three advisory committees created under subsection (3) of this section. The chair of the advisory committee on K-12 shall be the superintendent of public instruction. The chair of the advisory committee on early learning shall be the nongovernmental cochair of the Washington early learning council, created in Engrossed Second Substitute House Bill No. 1152. The chair of the advisory committee on higher education shall be selected by the governor from a list of three or more names submitted by the state board for community and technical colleges, the higher education coordinating board, and the council of presidents.

(3) The steering committee shall appoint the members of the advisory committee on K-12 and the advisory committee on higher education. In addition, the two major caucuses in the senate and the two major caucuses in the house of representatives shall each appoint one member to serve on the K-12 advisory committee and one member to serve on the higher education advisory committee. The Washington early learning council, created in Engrossed Second Substitute House Bill No. 1152, shall serve as the advisory committee on early learning.

(4) The steering committee shall receive staff and logistical support from the office of financial management.

(5) Nonlegislative members of the steering committee shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 3. (1) The steering committee:

(a) Shall direct and coordinate the studies created in this section. In conducting the studies, consideration shall be given to recently completed, related finance studies, with particular attention to those initiated by or completed at the request of the legislature;

(b) May enter into contracts as needed to support the work of the study;

(c) Shall develop recommendations based on the work of the studies in this section; and

(d) Shall develop recommendations about how the state can best provide stable funding for student learning for young children, students in the public schools, and students in the public colleges and universities.

(2) A comprehensive K-12 finance study shall include, but not be limited to:

(a) The constitutional and legal requirements underlying the current finance system and how those requirements are affected by the goal under education reform to provide all students with the opportunity to achieve the state standards;

(b) The strengths and weaknesses of the current state and local finance formulas and how those formulas are used by local school districts to meet state requirements and student learning goals;

(c) Information regarding remediation particularly in the subject areas of mathematics, science, and language arts;

(d) Potential changes to the current finance system including the methods of allocating funds, levels of funding, and how student achievement is affected;

(e) Reviewing the funding systems in at least five other states;

(f) Specific issues facing schools: Assuring program accountability; improving effectiveness in state-level governance; identifying efficiencies in district spending practices; providing programs that assist students in meeting standards; helping students stay in school; impacts of the certification requirements for teachers; improving the effectiveness of English language learner instruction; and appropriate preparation requirements for paraeducators;

(g) Local and regional funding challenges faced by individual school districts throughout the state; and

(h) Potential changes to the current salary system that would be more closely related to professional development and enhancement of student performance.

(3) A comprehensive study of early learning shall include, but not be limited to:

(a) Defining the populations being served, those that could be served, and program access;

(b) Determining the state's role in supporting quality early learning opportunities;

(c) Determining the state's role in training persons providing services; and

(d) Providing for smooth transitions to K-12 programs.

(4) A comprehensive study of higher education shall include, but not be limited to:

(a) Options for creating a new funding system;

(b) The number and distribution of enrollments at two and four-year institutions of higher education needed to meet demographic and work force training needs;

(c) Methods for determining the cost of instruction in various program areas;

(d) Methods for developing common articulation of lower division work;

(e) The appropriate share of the cost of instruction that should be funded through tuition, general fund-state subsidies, and financial aid;

(f) Providing for smooth transitions from high school to college, including dual credit options and adequate preparation for college-level coursework;

(g) Identifying strategies and associated costs to increase opportunity for access to baccalaureate degrees at public institutions of higher education;

(h) Identifying incentives to optimize research conducted by public universities and colleges that has the potential to stimulate the economy and address economic and social issues relevant to Washington citizens;

(i) Options for using existing capacity in independent colleges and universities;

(j) A review of higher education governance as it relates to fiscal policy for higher education; and

(k) Options for coordinating capital and operating appropriations.

(5) The steering committee shall provide interim reports to the appropriate fiscal and policy committees of the senate and the house of representatives by November 15, 2005, and June 16, 2006. These interim reports shall document ongoing work to-date, initial findings, and next steps. The November 15, 2005, interim report may recommend possible action items for consideration in the 2006 legislative session.

(6) The final report and recommendations of the steering committee shall be submitted to the legislature by November 15, 2006.

NEW SECTION, Sec. 4. This act expires July 1, 2007.

Passed by the Senate April 18, 2005.

Passed by the House April 7, 2005.

Approved by the Governor May 16, 2005.

Filed in Office of Secretary of State May 16, 2005.

CHAPTER 497

[Engrossed Substitute Senate Bill 5732]

BOARD OF EDUCATION—PROFESSIONAL EDUCATOR STANDARDS BOARD—
ACADEMIC ACHIEVEMENT AND ACCOUNTABILITY COMMISSION

AN ACT Relating to the powers, duties, and membership of the state board of education and the Washington professional educator standards board and the elimination of the academic achievement and accountability commission; amending RCW 28A.305.130, 28A.505.210, 28A.655.070, 28A.410.210, 28A.410.200, 28A.410.010, 28A.410.040, 28A.410.050, 28A.410.060, 28A.410.100, 28A.410.120, 28A.415.023, 28A.415.060, 28A.415.205, 28A.150.060, 28A.170.080, 28A.205.010, 28A.205.050, 28A.405.210, 28B.10.140, 18.118.010, 18.120.010, 28A.410.032, 28A.300.020, 28A.310.110, and 28A.315.085; adding new sections to chapter 28A.305 RCW; creating new sections; repealing RCW 28A.305.010, 28A.305.020, 28A.305.030, 28A.305.040, 28A.305.050, 28A.305.060, 28A.305.070, 28A.305.080, 28A.305.090, 28A.305.100, 28A.305.110, 28A.305.120, 28A.305.200, 28A.655.020, 28A.655.030, and 28A.655.900; providing effective dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature intends to reconstitute the state board of education and to refocus its purpose; to abolish the academic achievement and accountability commission; to assign policy and rule-making authority for educator preparation and certification to the professional educator standards board and to clearly define its purpose; and to align the missions of the state board of education and the professional educator standards board to create a collaborative and effective governance system that can accelerate progress towards achieving the goals in RCW 28A.150.210.

PART 1
STATE BOARD OF EDUCATION

NEW SECTION. Sec. 101. A new section is added to chapter 28A.305 RCW to read as follows:

(1) The membership of the state board of education shall be composed of sixteen members who are residents of the state of Washington:

(a) Seven shall be members representing the educational system, as follows:

(i) Five members elected by school district directors. Three of the members elected by school district directors shall be residents of western Washington and two members shall be residents of eastern Washington;

(ii) One member elected at-large by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.195.010; and

(iii) The superintendent of public instruction;

(b) Seven members appointed by the governor; and

(c) Two students selected in a manner determined by the state board of education.

(2) Initial appointments shall be for terms from one to four years in length, with the terms expiring on the second Monday of January of the applicable year. As the terms of the first appointees expire or vacancies on the board occur, the governor shall appoint or reappoint members of the board to complete the initial terms or to four-year terms, as appropriate.

(a) Appointees of the governor must be individuals who have demonstrated interest in public schools and are supportive of educational improvement, have a

positive record of service, and who will devote sufficient time to the responsibilities of the board.

(b) In appointing board members, the governor shall consider the diversity of the population of the state.

(c) All appointments to the board made by the governor are subject to confirmation by the senate.

(d) No person may serve as a member of the board, except the superintendent of public instruction, for more than two consecutive full four-year terms.

(3) The governor may remove an appointed member of the board for neglect of duty, misconduct, malfeasance, or misfeasance in office, or for incompetent or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

(4)(a) The chair of the board shall be elected by a majority vote of the members of the board. The chair of the board shall serve a term of two years, and may be reelected to an additional term. A member of the board may not serve as chair for more than two consecutive terms.

(b) Eight voting members of the board constitute a quorum for the transaction of business.

(c) All members except the student members are voting members.

(5) Members of the board appointed by the governor who are not public employees shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 102. A new section is added to chapter 28A.305 RCW to read as follows:

The election of state board of education members by school directors and private school board members shall be conducted by the office of the superintendent of public instruction for the members of the state board who begin serving on January 1, 2006, and thereafter.

(1) The superintendent shall adopt rules for the conduct of elections, which shall include, but need not be limited to: The definition of the eastern Washington and western Washington geographic regions of the state for the purpose of determining board member positions; the weighting of votes cast by the number of students in the school director's school district or board member's private school; election and dispute resolution procedures; the process for filling vacancies; and election timelines. The election timeline shall include calling for elections no later than the twenty-fifth of August, and notification of the election results no later than the fifteenth of December.

(2) State board member positions one and two shall be filled by residents of the eastern Washington region and positions three, four, and five shall be filled by residents of the western Washington region.

(3) A school director shall be eligible to vote only for a candidate for each position in the geographic region within which the school director resides.

(4) Initial terms of the individuals elected by the school directors shall be for terms of two to four years in length as follows: Two members, one from eastern

Washington and one from western Washington, shall be elected to two-year terms; two members, one from eastern Washington and one from western Washington, shall be elected to four-year terms; and one member from western Washington shall be elected to a three-year term. The term of the private school member shall be two years. All terms shall expire on the second Monday of January of the applicable year.

(5) No person employed in any public or private school, college, university, or other educational institution or any educational service district superintendent's office or in the office of the superintendent of public instruction is eligible for membership on the state board of education. No member of a board of directors of a local school district or private school may continue to serve in that capacity after having been elected to the state board.

NEW SECTION. Sec. 103. A new section is added to chapter 28A.305 RCW to read as follows:

By October 15th of each even-numbered year, the state board of education and the professional educator standards board shall submit a joint report to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals in RCW 28A.150.210.

Sec. 104. RCW 28A.305.130 and 2002 c 205 s 3 are each amended to read as follows:

The purpose of the state board of education is to adopt statewide policies that promote achievement of the goals of RCW 28A.150.210; implement a standards-based accountability system; and provide leadership in the creation of an education system that respects the diverse cultures, abilities, and learning styles of all students. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Until January 1, 2006, approve or disapprove the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Until January 1, 2006, conduct every five years a review of the program approval standards, including the minimum standards for teachers, administrators, and educational staff associates, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and educational staff associates.

(3) Until January 1, 2006, investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) of this section, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(4) Until January 1, 2006;

(a) (~~The state board of education shall~~) Adopt rules to allow a teacher certification candidate to fulfill, in part, teacher preparation program requirements through work experience as a classified teacher's aide in a public

school or private school meeting the requirements of RCW 28A.195.010. The rules shall include, but are not limited to, limitations based upon the recency of the teacher preparation candidate's teacher aide work experience, and limitations based on the amount of work experience that may apply toward teacher preparation program requirements under this chapter~~(-); and~~

(b) ~~((The state board of education shall))~~ Require that at the time of the individual's enrollment in a teacher preparation program, the supervising teacher and the building principal shall jointly provide to the teacher preparation program of the higher education institution at which the teacher candidate is enrolled, a written assessment of the performance of the teacher candidate. The assessment shall contain such information as determined by the state board of education and shall include: Evidence that at least fifty percent of the candidate's work as a classified teacher's aide was involved in instructional activities with children under the supervision of a certificated teacher and that the candidate worked a minimum of six hundred thirty hours for one school year; the type of work performed by the candidate; and a recommendation of whether the candidate's work experience as a classified teacher's aide should be substituted for teacher preparation program requirements. In compliance with such rules as may be established by the state board of education under this section, the teacher preparation programs of the higher education institution where the candidate is enrolled shall make the final determination as to what teacher preparation program requirements may be fulfilled by teacher aide work experience.

(5) Until January 1, 2006, supervise the issuance of such certificates as provided for in subsection (1) of this section and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.410.010.

(6) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business.

(7) Form committees as necessary to effectively and efficiently conduct the work of the board.

(8) Seek advice from the public and interested parties regarding the work of the board.

(9) For purposes of statewide accountability, the board shall:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended. The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven

through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature:

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the board in the performance standards for the tenth grade assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

(c) Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature and by the board under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index. When determining the baseline year or years for recognizing individual schools, the board may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the board shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests;

(e) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies after the legislature has authorized a set of intervention strategies. After the legislature

has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the board or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system;

(h) Include in the biennial report required under section 103 of this act, information on the progress that has been made in achieving goals adopted by the board.

(10) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such preaccreditation examination and evaluation processes as may now or hereafter be established by the board.

((7)) (11) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

((8)) (12) Prepare such outline of study for the common schools as the board shall deem necessary, and in conformance with legislative requirements, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

((9)) (13) Continuously reevaluate courses and other requirements and adopt and enforce regulations within the common schools so as to meet the educational needs of students ((and)),

(14) Evaluate course of study requirements and articulate with the institutions of higher education, work force representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system.

((40)) (15) Carry out board powers and duties relating to the organization and reorganization of school districts ((under RCW 28A.315.010 through 28A.315.680 and 28A.315.900)).

((11)) (16) Hear and decide appeals as otherwise provided by law.

((The state board of education is given the authority to)) (17) Promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.

(18) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW.

(19) Adopt a seal that shall be kept in the office of the superintendent of public instruction.

Sec. 105. RCW 28A.505.210 and 2001 c 3 s 3 are each amended to read as follows:

School districts shall have the authority to decide the best use of student achievement funds to assist students in meeting and exceeding the new, higher academic standards in each district consistent with the provisions of chapter 3, Laws of 2001.

(1) Student achievement funds shall be allocated for the following uses:

(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 extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school;

(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) Annually on or before May 1st, the school district board of directors shall meet at the time and place designated for the purpose of a public hearing on the proposed use of these funds to improve student achievement for the coming year. Any person may appear or by written submission have the opportunity to comment on the proposed plan for the use of these funds. No later than August 31st, as a part of the process under RCW 28A.505.060, each school district shall adopt a plan for the use of these funds for the upcoming school year. Annually, each school district shall provide to the citizens of their district a public accounting of the funds made available to the district during the previous school year under chapter 3, Laws of 2001, how the funds were used, and the progress the district has made in increasing student achievement, as measured by required

state assessments and other assessments deemed appropriate by the district. Copies of this report shall be provided to the superintendent of public instruction ((and to the academic achievement and accountability commission)).

Sec. 106. RCW 28A.655.070 and 2004 c 19 s 204 are each amended to read as follows:

(1) The superintendent of public instruction shall develop essential academic learning requirements that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the ((academic achievement and accountability commission)) state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the essential academic learning requirements, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the essential academic learning requirements; and

(b) Review and prioritize the essential academic learning requirements and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the Washington assessment of student learning and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its web site any grade level content expectations provided to an assessment vendor for use in constructing the Washington assessment of student learning.

(3) In consultation with the ((academic achievement and accountability commission)) state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the essential academic learning requirements identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system shall include a variety of assessment methods, including criterion-referenced and performance-based measures.

(4) If the superintendent proposes any modification to the essential academic learning requirements or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the essential academic learning requirements before the modifications are adopted.

(5)(a) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the essential academic learning requirements at the appropriate periods in the student's educational development.

(b) Assessments measuring the essential academic learning requirements in the content area of science shall be available for mandatory use in middle schools and high schools by the 2003-04 school year and for mandatory use in elementary schools by the 2004-05 school year unless the legislature takes action to delay or prevent implementation of the assessment.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the essential academic learning requirements and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the essential academic learning requirements, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(12) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(13) The superintendent shall post on the superintendent's web site lists of resources and model assessments in social studies, the arts, and health and fitness.

PART 2

WASHINGTON PROFESSIONAL EDUCATOR STANDARDS BOARD

Sec. 201. RCW 28A.410.210 and 2000 c 39 s 103 are each amended to read as follows:

The purpose of the professional educator standards board is to establish policies and requirements for the preparation and certification of educators that provide standards for competency in professional knowledge and practice in the areas of certification; a foundation of skills, knowledge, and attitudes necessary to help students with diverse needs, abilities, cultural experiences, and learning styles meet or exceed the learning goals outlined in RCW 28A.150.210; knowledge of research-based practice; and professional development throughout a career. The Washington professional educator standards board shall:

(1) Establish policies and practices for the approval of programs of courses, requirements, and other activities leading to educator certification including teacher, school administrator, and educational staff associate certification;

(2) Establish policies and practices for the approval of the character of work required to be performed as a condition of entrance to and graduation from any educator preparation program including teacher, school administrator, and educational staff associate preparation program as provided in subsection (1) of this section;

(3) Establish a list of accredited institutions of higher education of this and other states whose graduates may be awarded educator certificates as teacher, school administrator, and educational staff associate and establish criteria and enter into agreements with other states to acquire reciprocal approval of educator preparation programs and certification, including teacher certification from the national board for professional teaching standards;

(4) Establish policies for approval of nontraditional educator preparation programs;

(5) Conduct a review of educator program approval standards at least every five years, beginning in 2006, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and school specialized personnel;

(6) Specify the types and kinds of educator certificates to be issued and conditions for certification in accordance with subsection (1) of this section and RCW 28A.410.010;

(7) Hear and determine educator certification appeals as provided by RCW 28A.410.100;

(8) Apply for and receive federal or other funds on behalf of the state for purposes related to the duties of the board;

(9) Adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter;

(10) Maintain data concerning educator preparation programs and their quality, educator certification, educator employment trends and needs, and other data deemed relevant by the board;

(11) Serve as an advisory body to the superintendent of public instruction ((and as the sole advisory body to the state board of education)) on issues related to educator recruitment, hiring, ((preparation, certification including high quality alternative routes to certification,)) mentoring and support, professional growth, retention, ((governance, prospective teacher pedagogy assessment, prospective principal assessment,)) educator evaluation including but not limited to peer evaluation, and revocation and suspension of licensure;

~~((2))~~ (12) Submit ((annual reports and recommendations, beginning December 1, 2000, to the governor, the education and fiscal committees of the

~~legislature, the state board of education, and the superintendent of public instruction concerning duties and activities within the board's advisory capacity. The Washington professional educator standards board shall submit a separate report by December 1, 2000, to the governor, the education and fiscal committees of the legislature, the state board of education, and the superintendent of public instruction providing recommendations for at least two high quality alternative routes to teacher certification. In its deliberations, the board shall consider at least one route that permits persons with substantial subject matter expertise to achieve residency certification through an on-the-job training program provided by a school district), by October 15th of each even-numbered year, a joint report with the state board of education to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals set out in RCW 28A.150.210; ((and~~

~~(3)) (13) Establish the prospective teacher assessment system for basic skills and subject knowledge that shall be required to obtain residency certification pursuant to RCW 28A.410.220 through 28A.410.240; and~~

~~(14) Conduct meetings under the provisions of chapter 42.30 RCW.~~

Sec. 202. RCW 28A.410.200 and 2003 1st sp.s. c 22 s 1 are each amended to read as follows:

(1)(a) The Washington professional educator standards board is created, consisting of twenty members to be appointed by the governor to four-year terms and the superintendent of public instruction(~~, who shall be an ex officio, nonvoting member~~)).

(b) As the four-year terms of the first appointees expire or vacancies to the board occur for the first time, the governor shall appoint or reappoint the members of the board to one-year to four-year staggered terms. Once the one-year to three-year terms expire, all subsequent terms shall be for four years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously.

(c) No person may serve as a member of the board for more than two consecutive full four-year terms.

(d) The governor shall annually appoint the chair of the board from among the teachers and principals on the board. No board member may serve as chair for more than two consecutive years.

(2) Seven of the members shall be public school teachers, one shall be a private school teacher, three shall represent higher education educator preparation programs, four shall be school administrators, two shall be educational staff associates, one shall be a classified employee who assists in public school student instruction, one shall be a parent, and one shall be a member of the public.

(3) Public school teachers appointed to the board must:

(a) Have at least three years of teaching experience in a Washington public school;

(b) Be currently certificated and actively employed in a teaching position; and

(c) Include one teacher currently teaching at the elementary school level, one at the middle school level, one at the high school level, and one vocationally certificated.

(4) Private school teachers appointed to the board must:

(a) Have at least three years of teaching experience in a Washington approved private school; and

(b) Be currently certificated and actively employed in a teaching position in an approved private school.

(5) Appointees from higher education educator preparation programs must include two representatives from institutions of higher education as defined in RCW 28B.10.016 and one representative from an institution of higher education as defined in RCW 28B.07.020(4).

(6) School administrators appointed to the board must:

(a) Have at least three years of administrative experience in a Washington public school district;

(b) Be currently certificated and actively employed in a school administrator position; and

(c) Include two public school principals, one Washington approved private school principal, and one superintendent.

(7) Educational staff associates appointed to the board must:

(a) Have at least three years of educational staff associate experience in a Washington public school district; and

(b) Be currently certificated and actively employed in an educational staff associate position.

(8) Public school classified employees appointed to the board must:

(a) Have at least three years of experience in assisting in the instruction of students in a Washington public school; and

(b) Be currently employed in a position that requires the employee to assist in the instruction of students.

(9) Each major caucus of the house of representatives and the senate shall submit a list of at least one public school teacher. In making the public school teacher appointments, the governor shall select one nominee from each list provided by each caucus. The governor shall appoint the remaining members of the board from a list of qualified nominees submitted to the governor by organizations representative of the constituencies of the board, from applications from other qualified individuals, or from both nominees and applicants.

(10) All appointments to the board made by the governor shall be subject to confirmation by the senate.

(11) The governor shall appoint the members of the initial board no later than June 1, 2000.

(12) In appointing board members, the governor shall consider the diversity of the population of the state.

(13) Each member of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

(14) The governor may remove a member of the board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and

the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

(15) If a vacancy occurs on the board, the governor shall appoint a replacement member from the nominees as specified in subsection (9) of this section to fill the remainder of the unexpired term. When filling a vacancy of a member nominated by a major caucus of the legislature, the governor shall select the new member from a list of at least one name submitted by the same caucus that provided the list from which the retiring member was appointed.

(16) Members of the board shall hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes only.

Sec. 203. RCW 28A.410.010 and 2001 c 263 s 1 are each amended to read as follows:

The (~~state board of education~~) Washington professional educator standards board shall establish, publish, and enforce rules (~~and regulations~~) determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The rules shall require that the initial application for certification shall require a record check of the applicant through the Washington state patrol criminal identification system and through the federal bureau of investigation at the applicant's expense. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The superintendent of public instruction may waive the record check for any applicant who has had a record check within the two years before application. The rules shall permit a holder of a lapsed certificate but not a revoked or suspended certificate to be employed on a conditional basis by a school district with the requirement that the holder must complete any certificate renewal requirements established by the state board of education within two years of initial reemployment.

In establishing rules pertaining to the qualifications of instructors of American sign language the (~~state~~) board shall consult with the national association of the deaf, "sign instructors guidance network" (s.i.g.n.), and the Washington state association of the deaf for evaluation and certification of sign language instructors.

The superintendent of public instruction shall act as the administrator of any such rules (~~and regulations~~) and have the power to issue any certificates or permits and revoke the same in accordance with board rules (~~and regulations~~).

Sec. 204. RCW 28A.410.040 and 1992 c 141 s 101 are each amended to read as follows:

The (~~state board of education~~) Washington professional educator standards board shall adopt rules providing that, except as provided in this section, all individuals qualifying for an initial-level teaching certificate after August 31, 1992, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirements for teacher certification pursuant to RCW (~~28A.305.130 (1) and (2)~~) 28A.410.210. However, candidates for grades preschool through eight certificates shall have fulfilled the requirements

for a major as part of their baccalaureate degree. If the major is in early childhood education, elementary education, or special education, the candidate must have at least thirty quarter hours or twenty semester hours in one academic field.

Sec. 205. RCW 28A.410.050 and 1992 c 141 s 102 are each amended to read as follows:

The ~~((state board of education))~~ Washington professional educator standards board shall develop and adopt rules establishing baccalaureate and masters degree equivalency standards for vocational instructors performing instructional duties and acquiring certification after August 31, 1992.

Sec. 206. RCW 28A.410.060 and 1990 c 33 s 407 are each amended to read as follows:

The fee for any certificate, or any renewal thereof, issued by the authority of the state of Washington, and authorizing the holder to teach or perform other professional duties in the public schools of the state shall be not less than one dollar or such reasonable fee therefor as the ~~((state board of education))~~ Washington professional educator standards board by rule ~~((or regulation))~~ shall deem necessary therefor. The fee must accompany the application and cannot be refunded unless the application is withdrawn before it is finally considered. The educational service district superintendent, or other official authorized to receive such fee, shall within thirty days transmit the same to the treasurer of the county in which the office of the educational service district superintendent is located, to be by him or her placed to the credit of said school district or educational service district: PROVIDED, That if any school district collecting fees for the certification of professional staff does not hold a professional training institute separate from the educational service district then all such moneys shall be placed to the credit of the educational service district.

Such fees shall be used solely for the purpose of precertification professional preparation, program evaluation, and professional in-service training programs in accord with rules ~~((and regulations))~~ of the ~~((state board of education))~~ Washington professional educator standards board herein authorized.

Sec. 207. RCW 28A.410.100 and 1992 c 159 s 6 are each amended to read as follows:

Any teacher whose certificate to teach has been questioned under RCW 28A.410.090 shall have a right to be heard by the issuing authority before his or her certificate is revoked. Any teacher whose certificate to teach has been revoked shall have a right of appeal to the ~~((state board of education))~~ Washington professional educator standards board if notice of appeal is given by written affidavit to the board within thirty days after the certificate is revoked.

An appeal to the ~~((state board of education))~~ Washington professional educator standards board within the time specified shall operate as a stay of revocation proceedings until the next regular or special meeting of said board and until the board's decision has been rendered.

Sec. 208. RCW 28A.410.120 and 1990 c 33 s 411 are each amended to read as follows:

Notwithstanding any other provision of this title, the ~~((state board of education))~~ Washington professional educator standards board or superintendent

of public instruction shall not require any professional certification or other qualifications of any person elected superintendent of a local school district by that district's board of directors, or any person hired in any manner to fill a position designated as, or which is, in fact, deputy superintendent, or assistant superintendent.

Sec. 209. RCW 28A.415.023 and 1997 c 90 s 1 are each amended to read as follows:

(1) Credits earned by certificated instructional staff after September 1, 1995, shall be eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee only if the course content:

(a) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW (~~28A.320.205~~) 28A.655.110, the annual school performance report, for the school in which the individual is assigned;

(b) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(c) Is necessary to obtain an endorsement as prescribed by the (~~state board of education~~) Washington professional educator standards board;

(d) Is specifically required to obtain advanced levels of certification; or

(e) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff.

(2) For the purpose of this section, "credits" mean college quarter hour credits and equivalent credits for approved in-service, approved continuing education, or approved internship hours computed in accordance with RCW 28A.415.020.

(3) The superintendent of public instruction shall adopt rules and standards consistent with the limits established by this section for certificated instructional staff.

Sec. 210. RCW 28A.415.060 and 1991 c 155 s 1 are each amended to read as follows:

The (~~state board of education~~) Washington professional educator standards board rules for continuing education shall provide that educational staff associates may use credits or clock hours that satisfy the continuing education requirements for their state professional licensure, if any, to fulfill the continuing education requirements established by the (~~state board of education~~) Washington professional educator standards board.

Sec. 211. RCW 28A.415.205 and 1991 c 238 s 75 are each amended to read as follows:

(1) The Washington state minority teacher recruitment program is established. The program shall be administered by the (~~state board of education~~) Washington professional educator standards board. The (~~state board of education~~) Washington professional educator standards board shall consult with the higher education coordinating board, representatives of institutions of higher education, education organizations having an interest in teacher recruitment issues, the superintendent of public instruction, the state board for community and technical colleges, the department of employment security, and the work force training and education coordinating board. The

program shall be designed to recruit future teachers from students in the targeted groups who are in the ninth through twelfth grades and from adults in the targeted groups who have entered other occupations.

(2) The program shall include the following:

(a) Encouraging students in targeted groups in grades nine through twelve to acquire the academic and related skills necessary to prepare for the study of teaching at an institution of higher education;

(b) Promoting teaching career opportunities to develop an awareness of opportunities in the education profession;

(c) Providing opportunities for students to experience the application of regular high school course work to activities related to a teaching career; and

(d) Providing for increased cooperation among institutions of higher education including community colleges, the superintendent of public instruction, the ~~((state board of education))~~ Washington professional educator standards board, and local school districts in working toward the goals of the program.

Sec. 212. RCW 28A.150.060 and 1990 c 33 s 102 are each amended to read as follows:

The term "certificated employee" as used in RCW 28A.195.010, 28A.150.060, 28A.150.260, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, shall include those persons who hold certificates as authorized by rule ~~((or regulation))~~ of the ~~((state board of education))~~ Washington professional educator standards board or the superintendent of public instruction.

Sec. 213. RCW 28A.170.080 and 1990 c 33 s 157 are each amended to read as follows:

(1) Grants provided under RCW 28A.170.090 may be used solely for services provided by a substance abuse intervention specialist or for dedicated staff time for counseling and intervention services provided by any school district certificated employee who has been trained by and has access to consultation with a substance abuse intervention specialist. Services shall be directed at assisting students in kindergarten through twelfth grade in overcoming problems of drug and alcohol abuse, and in preventing abuse and addiction to such substances, including nicotine. The grants shall require local matching funds so that the grant amounts support a maximum of eighty percent of the costs of the services funded. The services of a substance abuse intervention specialist may be obtained by means of a contract with a state or community services agency or a drug treatment center. Services provided by a substance abuse intervention specialist may include:

(a) Individual and family counseling, including preventive counseling;

(b) Assessment and referral for treatment;

(c) Referral to peer support groups;

(d) Aftercare;

(e) Development and supervision of student mentor programs;

(f) Staff training, including training in the identification of high-risk children and effective interaction with those children in the classroom; and

(g) Development and coordination of school drug and alcohol core teams, involving staff, students, parents, and community members.

(2) For the purposes of this section, "substance abuse intervention specialist" means any one of the following, except that diagnosis and assessment, counseling and aftercare specifically identified with treatment of chemical dependency shall be performed only by personnel who meet the same qualifications as are required of a qualified chemical dependency counselor employed by an alcoholism or drug treatment program approved by the department of social and health services.

(a) An educational staff associate employed by a school district or educational service district who holds certification as a school counselor, school psychologist, school nurse, or school social worker under ~~((state board of education))~~ Washington professional educator standards board rules adopted pursuant to RCW ~~((28A.305.130))~~ 28A.410.210;

(b) An individual who meets the definition of a qualified drug or alcohol counselor established by the bureau of alcohol and substance abuse;

(c) A counselor, social worker, or other qualified professional employed by the department of social and health services;

(d) A psychologist licensed under chapter 18.83 RCW; or

(e) A children's mental health specialist as defined in RCW 71.34.020.

Sec. 214. RCW 28A.205.010 and 1999 c 348 s 2 are each amended to read as follows:

(1) As used in this chapter, unless the context thereof shall clearly indicate to the contrary:

"Education center" means any private school operated on a profit or nonprofit basis which does the following:

(a) Is devoted to the teaching of basic academic skills, including specific attention to improvement of student motivation for achieving, and employment orientation.

(b) Operates on a clinical, client centered basis. This shall include, but not be limited to, performing diagnosis of individual educational abilities, determination and setting of individual goals, prescribing and providing individual courses of instruction therefor, and evaluation of each individual client's progress in his or her educational program.

(c) Conducts courses of instruction by professionally trained personnel certificated by the ~~((state board of education))~~ Washington professional educator standards board according to rules adopted for the purposes of this chapter and providing, for certification purposes, that a year's teaching experience in an education center shall be deemed equal to a year's teaching experience in a common or private school.

(2) For purposes of this chapter, basic academic skills shall include the study of mathematics, speech, language, reading and composition, science, history, literature and political science or civics; it shall not include courses of a vocational training nature and shall not include courses deemed nonessential to the accrediting of the common schools or the approval of private schools under RCW 28A.305.130.

(3) The state board of education shall certify an education center only upon application and (a) determination that such school comes within the definition thereof as set forth in subsection (1) of this section and (b) demonstration on the basis of actual educational performance of such applicants' students which shows after consideration of their students' backgrounds, educational gains that

are a direct result of the applicants' educational program. Such certification may be withdrawn if the board finds that a center fails to provide adequate instruction in basic academic skills. No education center certified by the state board of education pursuant to this section shall be deemed a common school under RCW 28A.150.020 or a private school for the purposes of RCW 28A.195.010 through 28A.195.050.

Sec. 215. RCW 28A.205.050 and 1995 c 335 s 201 are each amended to read as follows:

In accordance with chapter 34.05 RCW, the administrative procedure act, the ~~((state board of education))~~ Washington professional educator standards board with respect to the matter of certification, and the superintendent of public instruction with respect to all other matters, shall have the power and duty to make the necessary rules to carry out the purpose and intent of this chapter.

Sec. 216. RCW 28A.405.210 and 1996 c 201 s 1 are each amended to read as follows:

No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he or she is the holder of an effective teacher's certificate or other certificate required by law or the ~~((state board of education))~~ Washington professional educator standards board for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and except as otherwise provided by law, limited to a term of not more than one year. Every such contract shall be made in duplicate, one copy to be retained by the school district superintendent or secretary and one copy to be delivered to the employee. No contract shall be offered by any board for the employment of any employee who has previously signed an employment contract for that same term in another school district of the state of Washington unless such employee shall have been released from his or her obligations under such previous contract by the board of directors of the school district to which he or she was obligated. Any contract signed in violation of this provision shall be void.

In the event it is determined that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term such employee shall be notified in writing on or before May 15th preceding the commencement of such term of that determination, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 1st, which notification shall specify the cause or causes for nonrenewal of contract. Such determination of probable cause for certificated employees, other than the superintendent, shall be made by the superintendent. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the president, chair or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing pursuant to RCW 28A.405.310 to determine whether

there is sufficient cause or causes for nonrenewal of contract: PROVIDED, That any employee receiving notice of nonrenewal of contract due to an enrollment decline or loss of revenue may, in his or her request for a hearing, stipulate that initiation of the arrangements for a hearing officer as provided for by RCW 28A.405.310(4) shall occur within ten days following July 15 rather than the day that the employee submits the request for a hearing. If any such notification or opportunity for hearing is not timely given, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his or her employment had actually been renewed by the board of directors for such ensuing term.

This section shall not be applicable to "provisional employees" as so designated in RCW 28A.405.220; transfer to a subordinate certificated position as that procedure is set forth in RCW 28A.405.230 shall not be construed as a nonrenewal of contract for the purposes of this section.

Sec. 217. RCW 28B.10.140 and 2004 c 60 s 1 are each amended to read as follows:

The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College are each authorized to train teachers and other personnel for whom teaching certificates or special credentials prescribed by the (~~state board of education~~) Washington professional educator standards board are required, for any grade, level, department, or position of the public schools of the state.

Sec. 218. RCW 18.118.010 and 1990 c 33 s 553 are each amended to read as follows:

(1) The purpose of this chapter is to establish guidelines for the regulation of the real estate profession and other business professions which may seek legislation to substantially increase their scope of practice or the level of regulation of the profession, and for the regulation of business professions not licensed or regulated on July 26, 1987: PROVIDED, That the provisions of this chapter are not intended and shall not be construed to: (a) Apply to any regulatory entity created prior to July 26, 1987, except as provided in this chapter; (b) affect the powers and responsibilities of the superintendent of public instruction or (~~state board of education~~) Washington professional educator standards board under RCW (~~28A.305.130~~) 28A.410.210 and 28A.410.010; (c) apply to or interfere in any way with the practice of religion or to any kind of treatment by prayer; (d) apply to any remedial or technical amendments to any statutes which licensed or regulated activity before July 26, 1987; and (e) apply to proposals relating solely to continuing education. The legislature believes that all individuals should be permitted to enter into a business profession unless there is an overwhelming need for the state to protect the interests of the public by restricting entry into the profession. Where such a need is identified, the regulation adopted by the state should be set at the least restrictive level consistent with the public interest to be protected.

(2) It is the intent of this chapter that no regulation shall be imposed upon any business profession except for the exclusive purpose of protecting the public interest. All bills introduced in the legislature to regulate a business profession

for the first time should be reviewed according to the following criteria. A business profession should be regulated by the state only when:

(a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and

(c) The public cannot be effectively protected by other means in a more cost-beneficial manner.

(3) After evaluating the criteria in subsection (2) of this section and considering governmental and societal costs and benefits, if the legislature finds that it is necessary to regulate a business profession not previously regulated by law, the least restrictive alternative method of regulation should be implemented, consistent with the public interest and this section:

(a) Where existing common law and statutory civil actions and criminal prohibitions are not sufficient to eradicate existing harm, the regulation should provide for stricter civil actions and criminal prosecutions;

(b) Where a service is being performed for individuals involving a hazard to the public health, safety, or welfare, the regulation should impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court, including, but not limited to, regulation of the business activity providing the service rather than the employees of the business;

(c) Where the threat to the public health, safety, or economic well-being is relatively small as a result of the operation of the business profession, the regulation should implement a system of registration;

(d) Where the consumer may have a substantial basis for relying on the services of a practitioner, the regulation should implement a system of certification; or

(e) Where apparent that adequate regulation cannot be achieved by means other than licensing, the regulation should implement a system of licensing.

Sec. 219. RCW 18.120.010 and 1990 c 33 s 554 are each amended to read as follows:

(1) The purpose of this chapter is to establish guidelines for the regulation of health professions not licensed or regulated prior to July 24, 1983, and those licensed or regulated health professions which seek to substantially increase their scope of practice: PROVIDED, That the provisions of this chapter are not intended and shall not be construed to: (a) Apply to any regulatory entity created prior to July 24, 1983, except as provided in this chapter; (b) affect the powers and responsibilities of the superintendent of public instruction or (~~state board of education~~) Washington professional educator standards board under RCW (~~28A.305.130~~) 28A.410.210 and 28A.410.010; (c) apply to or interfere in any way with the practice of religion or to any kind of treatment by prayer; and (d) apply to any remedial or technical amendments to any statutes which licensed or regulated activity before July 24, 1983. The legislature believes that all individuals should be permitted to enter into a health profession unless there is an overwhelming need for the state to protect the interests of the public by restricting entry into the profession. Where such a need is identified, the regulation adopted by the state should be set at the least restrictive level consistent with the public interest to be protected.

(2) It is the intent of this chapter that no regulation shall, after July 24, 1983, be imposed upon any health profession except for the exclusive purpose of protecting the public interest. All bills introduced in the legislature to regulate a health profession for the first time should be reviewed according to the following criteria. A health profession should be regulated by the state only when:

(a) Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(b) The public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and

(c) The public cannot be effectively protected by other means in a more cost-beneficial manner.

(3) After evaluating the criteria in subsection (2) of this section and considering governmental and societal costs and benefits, if the legislature finds that it is necessary to regulate a health profession not previously regulated by law, the least restrictive alternative method of regulation should be implemented, consistent with the public interest and this section:

(a) Where existing common law and statutory civil actions and criminal prohibitions are not sufficient to eradicate existing harm, the regulation should provide for stricter civil actions and criminal prosecutions;

(b) Where a service is being performed for individuals involving a hazard to the public health, safety, or welfare, the regulation should impose inspection requirements and enable an appropriate state agency to enforce violations by injunctive relief in court, including, but not limited to, regulation of the business activity providing the service rather than the employees of the business;

(c) Where the threat to the public health, safety, or economic well-being is relatively small as a result of the operation of the health profession, the regulation should implement a system of registration;

(d) Where the consumer may have a substantial basis for relying on the services of a practitioner, the regulation should implement a system of certification; or

(e) Where apparent that adequate regulation cannot be achieved by means other than licensing, the regulation should implement a system of licensing.

Sec. 220. RCW 28A.410.032 and 1996 c 135 s 4 are each amended to read as follows:

Teachers of visually impaired students shall be qualified according to rules adopted by the (~~state board of education~~) professional educator standards board.

PART 3 TRANSFER OF POWERS AND DUTIES

NEW SECTION. Sec. 301. (1) The state board of education as constituted prior to the effective date of this section is hereby abolished and its powers, duties, and functions are hereby transferred to the state board of education as specified in this act. All references to the director or the state board of education as constituted prior to the effective date of this section in the Revised Code of

Washington shall be construed to mean the director or the state board of education as specified in this act.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state board of education as constituted prior to the effective date of this section shall be delivered to the custody of the state board of education as specified in this act. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the state board of education as constituted prior to the effective date of this section shall be made available to the state board of education as specified in this act. All funds, credits, or other assets held by the state board of education as constituted prior to the effective date of this section shall be assigned to the state board of education as specified in this act.

(b) Any appropriations made to the state board of education as constituted prior to the effective date of this section shall, on the effective date of this section, be transferred and credited to the state board of education as specified in this act.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the state board of education as constituted prior to the effective date of this section are transferred to the jurisdiction of the state board of education as specified in this act. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the state board of education as specified in this act to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state board of education as constituted prior to the effective date of this section shall be continued and acted upon by the state board of education as specified in this act. All existing contracts and obligations shall remain in full force and shall be performed by the state board of education as specified in this act.

(5) The transfer of the powers, duties, functions, and personnel of the state board of education as constituted prior to the effective date of this section shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law.

NEW SECTION. Sec. 302. (1) The academic achievement and accountability commission is hereby abolished and its powers, duties, and functions are hereby transferred to the state board of education. All references to the director or the academic achievement and accountability commission in the Revised Code of Washington shall be construed to mean the director or the state board of education.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the academic achievement and accountability commission shall be delivered to the custody of the state board of education. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the academic achievement and accountability commission shall be made available to the state board of education. All funds, credits, or other assets held by the academic achievement and accountability commission shall be assigned to the state board of education.

(b) Any appropriations made to the academic achievement and accountability commission shall, on the effective date of this section, be transferred and credited to the state board of education.

(c) If any question arises as to the transfer of any funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All rules and all pending business before the academic achievement and accountability commission shall be continued and acted upon by the state board of education. All existing contracts and obligations shall remain in full force and shall be performed by the state board of education.

(4) The transfer of the powers, duties, and functions of the academic achievement and accountability commission shall not affect the validity of any act performed before the effective date of this section.

(5) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(6) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel resources board as provided by law.

PART 4 MISCELLANEOUS

NEW SECTION. Sec. 401. The following acts or parts of acts as now existing or hereafter amended, are each repealed:

(1) RCW 28A.305.010 (Composition of board) and 1992 c 56 s 1, 1990 c 33 s 257, 1988 c 255 s 1, 1980 c 179 s 1, & 1969 ex.s. c 223 s 28A.04.010;

(2) RCW 28A.305.020 (Call and notice of elections) and 1990 c 33 s 258, 1988 c 255 s 2, 1981 c 38 s 1, & 1969 ex.s. c 223 s 28A.04.020;

(3) RCW 28A.305.030 (Elections in new congressional districts—Call and conduct of—Member terms—Transitional measures to reduce number of members from each district) and 1992 c 56 s 3, 1990 c 33 s 259, 1982 1st ex.s. c 7 s 1, & 1969 ex.s. c 223 s 28A.04.030;

(4) RCW 28A.305.040 (Declarations of candidacy—Qualifications of candidates—Members restricted from service on local boards—Forfeiture of office) and 1990 c 33 s 260, 1982 1st ex.s. c 7 s 2, 1980 c 179 s 4, 1975 1st ex.s. c 275 s 49, 1971 c 48 s 1, & 1969 ex.s. c 223 s 28A.04.040;

(5) RCW 28A.305.050 (Qualifications of voters—Ballots—Voting instructions—Candidates' biographical data) and 1990 c 33 s 261, 1988 c 255 s 3, 1981 c 38 s 2, & 1969 ex.s. c 223 s 28A.04.050;

(6) RCW 28A.305.060 (Election procedure—Certificate) and 1990 c 33 s 262, 1981 c 38 s 3, 1980 c 179 s 5, 1975 c 19 s 2, 1969 ex.s. c 283 s 25, & 1969 ex.s. c 223 s 28A.04.060;

(7) RCW 28A.305.070 (Action to contest election—Grounds—Procedure) and 1980 c 179 s 6 & 1975 c 19 s 1;

(8) RCW 28A.305.080 (Terms of office) and 1992 c 56 s 2, 1990 c 33 s 263, & 1969 ex.s. c 223 s 28A.04.070;

(9) RCW 28A.305.090 (Vacancies, filling) and 1990 c 33 s 264 & 1969 ex.s. c 223 s 28A.04.080;

(10) RCW 28A.305.100 (Superintendent as ex officio member and chief executive officer of board) and 1982 c 160 s 1 & 1969 ex.s. c 223 s 28A.04.090;

(11) RCW 28A.305.110 (Executive director—Secretary of board) and 1996 c 25 s 1, 1990 c 33 s 265, 1982 c 160 s 3, & 1969 ex.s. c 223 s 28A.04.100;

(12) RCW 28A.305.120 (Meetings—Compensation and travel expenses of members) and 1984 c 287 s 60, 1975-'76 2nd ex.s. c 34 s 67, 1973 c 106 s 13, & 1969 ex.s. c 223 s 28A.04.110; and

(13) RCW 28A.305.200 (Seal) and 1969 ex.s. c 223 s 28A.04.140.

NEW SECTION. Sec. 402. The following acts or parts of acts are each repealed:

(1) RCW 28A.655.020 (Academic achievement and accountability commission) and 1999 c 388 s 101;

(2) RCW 28A.655.030 (Essential academic learning requirements and assessments—Duties of the academic achievement and accountability commission) and 2004 c 19 s 205, 2002 c 37 s 1, & 1999 c 388 s 102; and

(3) RCW 28A.655.900 (Transfer of powers, duties, and functions) and 1999 c 388 s 502.

Sec. 403. RCW 28A.300.020 and 1996 c 25 s 2 are each amended to read as follows:

The superintendent of public instruction may appoint assistant superintendents of public instruction, a deputy superintendent of public instruction, and may employ such other assistants and clerical help as are necessary to carry out the duties of the superintendent and the state board of education. However, the superintendent shall employ without undue delay the executive director of the state board of education and other state board of education office assistants and clerical help, appointed by the state board under RCW ((~~28A.305.110~~) 28A.305.130, whose positions are allotted and funded in accordance with moneys appropriated exclusively for the operation of the state

board of education. The rate of compensation and termination of any such executive director, state board office assistants, and clerical help shall be subject to the prior consent of the state board of education. The assistant superintendents, deputy superintendent, and such other officers and employees as are exempted from the provisions of chapter 41.06 RCW, shall serve at the pleasure of the superintendent or at the pleasure of the superintendent and the state board of education as provided in this section. Expenditures by the superintendent of public instruction for direct and indirect support of the state board of education are valid operational expenditures by and in behalf of the office of the superintendent of public instruction.

Sec. 404. RCW 28A.310.110 and 1990 c 33 s 272 are each amended to read as follows:

Any common school district board member eligible to vote for a candidate for membership on an educational service district or any candidate for the position, within ten days after the secretary to the state board of education's certification of election, may contest the election of the candidate pursuant to chapter 29A.68 RCW ((28A.305.070)).

Sec. 405. RCW 28A.315.085 and 1999 c 315 s 206 are each amended to read as follows:

(1) The superintendent of public instruction shall furnish to the state board and to regional committees the services of employed personnel and the materials and supplies necessary to enable them to perform the duties imposed upon them by this chapter and shall reimburse the members thereof for expenses necessarily incurred by them in the performance of their duties, such reimbursement for regional committee members to be in accordance with RCW 28A.315.155, and such reimbursement for state board members to be in accordance with ((RCW 28A.305.120)) section 101 of this act.

(2) Costs that may be incurred by an educational service district in association with school district negotiations under RCW 28A.315.195 and supporting the regional committee under RCW 28A.315.205 shall be reimbursed by the state from such funds as are appropriated for these purposes.

NEW SECTION. Sec. 406. The professional educator standards board shall conduct a comprehensive analysis of the strengths and weaknesses of Washington's educator and administrator certification and preparation systems, and by December 1, 2005, transmit its findings and any recommendations to the legislative committees on education, the superintendent of public instruction, the state board of education, and the governor. The board shall use the analysis to develop a planning document to guide the assumption of policy and rule-making authority responsibilities for educator and administrator preparation and certification, consistent with the board's purpose.

NEW SECTION. Sec. 407. A joint subcommittee of the early learning, K-12 and higher education committee of the senate and the education committee of the house of representatives, in collaboration with the state board of education, school directors, administrators, principals, the superintendent of public instruction, parents, teachers, and other interested parties, shall review the statutory duties of the state board of education held before the effective date of this section, except the duties for educator certification that have been transferred to the professional educator standards board. Recommendations

shall be reported to the early learning, K-12 and higher education committee of the senate and the education committee of the house of representatives by December 15, 2005.

NEW SECTION. Sec. 408. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 409. Sections 101, 103, 105, 106, 201 through 220, 301, 401, and 403 through 405 of this act take effect January 1, 2006.

NEW SECTION. Sec. 410. Sections 104, 302, 402, and 406 through 408 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 July 1, 2005.

NEW SECTION. Sec. 411. Section 102 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.

Passed by the Senate April 21, 2005.

Passed by the House April 20, 2005.

Approved by the Governor May 16, 2005.

Filed in Office of Secretary of State May 16, 2005.

CHAPTER 498

[Engrossed Substitute Senate Bill 5983]

TEACHERS—PROFESSIONAL CERTIFICATION

AN ACT Relating to professional certification of teachers; adding a new section to chapter 28A.410 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature recognizes the importance of ongoing professional development and growth for teachers with the goal of improving student achievement. It is the intent of the legislature to ensure that professional certification is administered in such a way as to ensure that the professional development and growth of individual teachers is directly aligned to their current and future teaching responsibilities as professional educators.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.410 RCW to read as follows:

The agency responsible for educator certification shall adopt rules for professional certification that:

(1) Provide maximum program choice for applicants, promote portability among programs, and promote maximum efficiency for applicants in attaining professional certification;

(2) Require professional certification no earlier than the fifth year following the year that the teacher first completes provisional status, with an automatic two-year extension upon enrollment;

(3) Grant professional certification to any teacher who attains certification from the national board for professional teaching standards;

(4) Permit any teacher currently enrolled in or participating in a program leading to professional certification to continue the program under administrative rules in place when the teacher began the program;

(5) Provide criteria for the approval of educational service districts, beginning no later than August 31, 2007, to offer programs leading to professional certification. The rules shall be written to encourage institutions of higher education and educational service districts to partner with local school districts or consortia of school districts, as appropriate, to provide instruction for teachers seeking professional certification;

(6) Encourage institutions of higher education to offer professional certificate coursework as continuing education credit hours. This shall not prevent an institution of higher education from providing the option of including the professional certification requirements as part of a master's degree program;

(7) Provide criteria for a liaison relationship between approved programs and school districts in which applicants are employed;

(8) Identify an expedited professional certification process for out-of-state teachers who have five years or more of successful teaching experience to demonstrate skills and impact on student learning commensurate with Washington requirements for professional certification. The rules may require these teachers, within one year of the time they begin to teach in the state's public schools, take a course in or show evidence that they can teach to the state's essential academic learning requirements; and

(9) Identify an evaluation process of approved programs that includes a review of the program coursework and applicant coursework load requirements, linkages of programs to individual teacher professional growth plans, linkages to school district and school improvement plans, and, to the extent possible, linkages to school district professional enrichment and growth programs for teachers, where such programs are in place in school districts. The agency shall provide a preliminary report on the evaluation process to the senate and house of representatives committees on education policy by November 1, 2005. The board shall identify:

(a) A process for awarding conditional approval of a program that shall include annual evaluations of the program until the program is awarded full approval;

(b) A less intensive evaluation cycle every three years once a program receives full approval unless the responsible agency has reason to intensify the evaluation;

(c) A method for investigating programs that have received numerous complaints from students enrolled in the program and from those recently completing the program;

(d) A method for investigating programs at the reasonable discretion of the agency; and

(e) A method for using, in the evaluation, both program completer satisfaction responses and data on the impact of educators who have obtained professional certification on student work and achievement.

Passed by the Senate April 18, 2005.

Passed by the House April 14, 2005.

Approved by the Governor May 16, 2005.
 Filed in Office of Secretary of State May 16, 2005.

CHAPTER 499

[Substitute Senate Bill 5850]

FAMILY CARE—SICK LEAVE

AN ACT Relating to the definition of sick leave under the family care act; and amending RCW 49.12.265.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 49.12.265 and 2002 c 243 s 2 are each amended to read as follows:

The definitions in this section apply throughout RCW 49.12.270 through 49.12.295 unless the context clearly requires otherwise.

(1) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is: (a) Under eighteen years of age; or (b) eighteen years of age or older and incapable of self-care because of a mental or physical disability.

(2) "Grandparent" means a parent of a parent of an employee.

(3) "Parent" means a biological or adoptive parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

(4) "Parent-in-law" means a parent of the spouse of an employee.

(5) "Sick leave or other paid time off" means time allowed under the terms of an appropriate state law, collective bargaining agreement, or employer policy, as applicable, to an employee for illness, vacation, and personal holiday. If paid time is not allowed to an employee for illness, "sick leave or other paid time off" also means time allowed under the terms of an appropriate state law, collective bargaining agreement, or employer policy, as applicable, to an employee for disability under a plan, fund, program, or practice that is: (a) Not covered by the employee retirement income security act of 1974, 29 U.S.C. Sec 1001 et seq.; and (b) not established or maintained through the purchase of insurance.

(6) "Spouse" means a husband or wife, as the case may be.

Passed by the Senate April 22, 2005.

Passed by the House April 19, 2005.

Approved by the Governor May 17, 2005.

Filed in Office of Secretary of State May 17, 2005.

CHAPTER 500

[Engrossed Substitute House Bill 1012]

COMPUTER SPYWARE

AN ACT Relating to computer spyware; adding a new chapter to Title 19 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advertisement" means a communication, the primary purpose of which is the commercial promotion of a commercial product or service, including a communication on an internet web site that is operated for a commercial purpose.

(2) "Computer software" means a sequence of instructions written in any programming language that is executed on a computer. "Computer software" does not include computer software that is a web page, or are data components of web pages that are not executable independently of the web page.

(3) "Damage" means any significant impairment to the integrity or availability of data, computer software, a system, or information.

(4) "Execute" means the performance of the functions or the carrying out of the instructions of the computer software.

(5) "Intentionally deceptive" means any of the following:

(a) An intentionally and materially false or fraudulent statement;

(b) A statement or description that intentionally omits or misrepresents material information in order to deceive an owner or operator; and

(c) An intentional and material failure to provide any notice to an owner or operator regarding the installation or execution of computer software in order to deceive the owner or operator.

(6) "Internet" means the global information system that is logically linked together by a globally unique address space based on the internet protocol (IP), or its subsequent extensions, and that is able to support communications using the transmission control protocol/internet protocol (TCP/IP) suite, or its subsequent extensions, or other IP-compatible protocols, and that provides, uses, or makes accessible, either publicly or privately, high level services layered on the communications and related infrastructure described in this subsection.

(7) "Owner or operator" means the owner or lessee of a computer, or someone using such computer with the owner's or lessee's authorization. "Owner or operator" does not include any person who owns a computer before the first retail sale of such computer.

(8) "Person" means any individual, partnership, corporation, limited liability company, or other organization, or any combination thereof.

(9) "Personally identifiable information" means any of the following with respect to an individual who is an owner or operator:

(a) First name or first initial in combination with last name;

(b) A home or other physical address including street name;

(c) An electronic mail address;

(d) A credit or debit card number, bank account number, or a password or access code associated with a credit or debit card or bank account;

(e) Social security number, tax identification number, driver's license number, passport number, or any other government-issued identification number; and

(f) Any of the following information in a form that personally identifies an owner or operator:

(i) Account balances;

(ii) Overdraft history; and

(iii) Payment history.

(10) "Transmit" means to transfer, send, or make available computer software, or any component thereof, via the internet or any other medium,

including local area networks of computers, other nonwire transmission, and disc or other data storage device. "Transmit" does not include any action by a person providing:

(a) The internet connection, telephone connection, or other means of transmission capability such as a compact disk or digital video disk through which the software was made available;

(b) The storage or hosting of the software program or a web page through which the software was made available; or

(c) An information location tool, such as a directory, index reference, pointer, or hypertext link, through which the user of the computer located the software, unless such person receives a direct economic benefit from the execution of such software on the computer.

NEW SECTION. Sec. 2. It is unlawful for a person who is not an owner or operator to transmit computer software to the owner or operator's computer with actual knowledge or with conscious avoidance of actual knowledge and to use such software to do any of the following:

(1) Modify, through intentionally deceptive means, settings that control any of the following:

(a) The page that appears when an owner or operator launches an internet browser or similar computer software used to access and navigate the internet;

(b) The default provider or web proxy the owner or operator uses to access or search the internet; and

(c) The owner or operator's list of bookmarks used to access web pages;

(2) Collect, through intentionally deceptive means, personally identifiable information:

(a) Through the use of a keystroke-logging function that records all keystrokes made by an owner or operator and transfers that information from the computer to another person;

(b) In a manner that correlates such information with data respecting all or substantially all of the web sites visited by an owner or operator, other than web sites operated by the person collecting such information; and

(c) Described in section 1(9) (d), (e), or (f)(i) or (ii) of this act by extracting the information from the owner or operator's hard drive;

(3) Prevent, through intentionally deceptive means, an owner or operator's reasonable efforts to block the installation or execution of, or to disable, computer software by causing the software that the owner or operator has properly removed or disabled automatically to reinstall or reactivate on the computer;

(4) Intentionally misrepresent that computer software will be uninstalled or disabled by an owner or operator's action; and

(5) Through intentionally deceptive means, remove, disable, or render inoperative security, antispyware, or antivirus computer software installed on the computer.

NEW SECTION. Sec. 3. It is unlawful for a person who is not an owner or operator to transmit computer software to the owner or operator's computer with actual knowledge or with conscious avoidance of actual knowledge and to use the software to do any of the following:

(1) Take control of the computer by:

(a) Accessing or using the modem or internet service for such computer to cause damage to the computer or cause an owner or operator to incur financial charges for a service that is not authorized by the owner or operator;

(b) Opening multiple, sequential, stand-alone advertisements in the owner or operator's internet browser without the authorization of an owner or operator and that a reasonable computer user cannot close without turning off the computer or closing the internet browser;

(2) Modify any of the following settings related to the computer's access to, or use of, the internet:

(a) Settings that protect information about the owner or operator in order to steal the owner or operator's personally identifiable information; and

(b) Security settings in order to cause damage to a computer; and

(3) Prevent an owner or operator's reasonable efforts to block the installation of, or to disable, computer software by doing any of the following:

(a) Presenting the owner or operator with an option to decline installation of computer software with knowledge that, when the option is selected, the installation nevertheless proceeds; and

(b) Falsely representing that computer software has been disabled.

NEW SECTION. Sec. 4. It is unlawful for a person who is not an owner or operator to do any of the following with regard to the owner or operator's computer:

(1) Induce an owner or operator to install a computer software component onto the computer by intentionally misrepresenting the extent to which installing the software is necessary for security or privacy reasons or in order to open, view, or play a particular type of content; and

(2) Deceptively cause the execution on the computer of a computer software component with the intent of causing the owner or operator to use the component in a manner that violates any other provision of this section.

NEW SECTION. Sec. 5. Section 3 or 4 of this act does not apply to any monitoring of, or interaction with, a subscriber's internet or other network connection or service, or a computer, by a telecommunications carrier, cable operator, computer hardware or software provider, or provider of information service or interactive computer service for network or computer security purposes, diagnostics, technical support, maintenance, repair, authorized updates of software or system firmware, authorized remote system management, or detection or prevention of the unauthorized use of or fraudulent or other illegal activities in connection with a network, service, or computer software, including scanning for and removing software under this chapter.

NEW SECTION. Sec. 6. (1) In addition to any other remedies provided by this chapter or any other provision of law, the attorney general, or a provider of computer software or owner of a web site or trademark who is adversely affected by reason of a violation of this chapter, may bring an action against a person who violates this chapter to enjoin further violations and to recover either actual damages or one hundred thousand dollars per violation, whichever is greater.

(2) In an action under subsection (1) of this section, a court may increase the damages up to three times the damages allowed under subsection (1) of this section if the defendant has engaged in a pattern and practice of violating this

chapter. The court may also award costs and reasonable attorneys' fees to the prevailing party.

(3) The amount of damages determined under subsection (1) or (2) of this section may not exceed two million dollars.

NEW SECTION. Sec. 7. It is the intent of the legislature that this chapter is a matter of statewide concern. This chapter supersedes and preempts all rules, regulations, codes, ordinances, and other laws adopted by a city, county, city and county, municipality, or local agency regarding spyware and notices to consumers from computer software providers regarding information collection.

NEW SECTION. Sec. 8. This act does not add to, contract, alter, or amend any cause of action allowed under chapter 19.86 RCW and does not affect in any way the application of chapter 19.86 RCW to any future case or fact pattern.

NEW SECTION. Sec. 9. 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. 10. Sections 1 through 9 of this act constitute a new chapter in Title 19 RCW.

Passed by the House March 9, 2005.

Passed by the Senate April 11, 2005.

Approved by the Governor May 17, 2005.

Filed in Office of Secretary of State May 17, 2005.

CHAPTER 501

[Substitute House Bill 1137]

PHYSICAL THERAPY

AN ACT Relating to physical therapy; amending RCW 18.74.005, 18.74.010, and 18.74.012; and adding new sections to chapter 18.74 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 18.74.005 and 1983 c 116 s 1 are each amended to read as follows:

~~((In order to safeguard the public safety and welfare, to protect the public from being misled by incompetent, unethical, and unauthorized persons, and to assure the highest degree of professional conduct and competency, it is))~~ The purpose of this chapter ((to strengthen existing regulation of persons offering physical therapy services to the public)) is to protect the public health, safety, and welfare, and to provide for state administrative control, supervision, licensure, and regulation of the practice of physical therapy. It is the intent of the legislature that only individuals who meet and maintain prescribed standards of competence and conduct be allowed to engage in the practice of physical therapy as defined and authorized by this chapter.

Sec. 2. RCW 18.74.010 and 1997 c 275 s 8 are each amended to read as follows:

~~((Unless the context otherwise requires,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the board of physical therapy created by RCW 18.74.020.

(2) "Department" means the department of health.

(3) "Physical therapy" means the ~~((treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, cold, air, light, water, electricity, sound, massage, and therapeutic exercise, which includes posture and rehabilitation procedures; the performance of tests and measurements of neuromuscular function as an aid to the diagnosis or treatment of any human condition; performance of treatments on the basis of test findings after consultation with and periodic review by an authorized health care practitioner except as provided in RCW 18.74.012; supervision of selective forms of treatment by trained supportive personnel; and provision of consultative services for health, education, and community agencies. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and the use of spinal manipulation or manipulative mobilization of the spine and its immediate articulations, are not included under the term "physical therapy" as used in this chapter))~~ care and services provided by or under the direction and supervision of a physical therapist licensed by the state. The use of Roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, and the use of spinal manipulation, or manipulative mobilization of the spine and its immediate articulations, are not included under the term "physical therapy" as used in this chapter.

(4) "Physical therapist" means a person who ~~((practices physical therapy as defined in this chapter but does not include massage operators as defined in RCW 18.108.010))~~ meets all the requirements of this chapter and is licensed in this state to practice physical therapy.

(5) "Secretary" means the secretary of health.

(6) Words importing the masculine gender may be applied to females.

(7) "Authorized health care practitioner" means and includes licensed physicians, osteopathic physicians, chiropractors, naturopaths, podiatric physicians and surgeons, dentists, and advanced registered nurse practitioners: PROVIDED, HOWEVER, That nothing herein shall be construed as altering the scope of practice of such practitioners as defined in their respective licensure laws.

(8) "Practice of physical therapy" is based on movement science and means:

(a) Examining, evaluating, and testing individuals with mechanical, physiological, and developmental impairments, functional limitations in movement, and disability or other health and movement-related conditions in order to determine a diagnosis, prognosis, plan of therapeutic intervention, and to assess and document the ongoing effects of intervention;

(b) Alleviating impairments and functional limitations in movement by designing, implementing, and modifying therapeutic interventions that include therapeutic exercise; functional training related to balance, posture, and movement to facilitate self-care and reintegration into home, community, or work; manual therapy including soft tissue and joint mobilization and manipulation; therapeutic massage; assistive, adaptive, protective, and devices related to postural control and mobility except as restricted by (c) of this subsection; airway clearance techniques; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient-related instruction;

(c) Training for, and the evaluation of, the function of a patient wearing an orthosis or prosthesis as defined in RCW 18.200.010. Physical therapists may provide those direct-formed and prefabricated upper limb, knee, and ankle-foot orthoses, but not fracture orthoses except those for hand, wrist, ankle, and foot fractures, and assistive technology devices specified in RCW 18.200.010 as exemptions from the defined scope of licensed orthotic and prosthetic services. It is the intent of the legislature that the unregulated devices specified in RCW 18.200.010 are in the public domain to the extent that they may be provided in common with individuals or other health providers, whether unregulated or regulated under Title 18 RCW, without regard to any scope of practice;

(d) Performing wound care services that is limited to sharp debridement, debridement with other agents, dry dressings, wet dressings, topical agents including enzymes, hydrotherapy, electrical stimulation, ultrasound, and other similar treatments. Physical therapists may not delegate sharp debridement. A physical therapist may perform wound care services only by referral from or after consultation with an authorized health care practitioner;

(e) Reducing the risk of injury, impairment, functional limitation, and disability related to movement, including the promotion and maintenance of fitness, health, and quality of life in all age populations; and

(f) Engaging in administration, consultation, education, and research.

(9)(a) "Physical therapist assistant" means a person who has successfully completed a board-approved physical therapist assistant program.

(b) "Physical therapy aide" means a person who is involved in direct physical therapy patient care who does not meet the definition of a physical therapist or physical therapist assistant and receives ongoing on-the-job training.

(c) "Other assistive personnel" means other trained or educated health care personnel, not defined in (a) or (b) of this subsection, who perform specific designated tasks related to physical therapy under the supervision of a physical therapist, including but not limited to licensed massage practitioners, athletic trainers, and exercise physiologists. At the direction of the supervising physical therapist, and if properly credentialed and not prohibited by any other law, other assistive personnel may be identified by the title specific to their training or education.

(10) "Direct supervision" means the supervising physical therapist must (a) be continuously on-site and present in the department or facility where assistive personnel or holders of interim permits are performing services; (b) be immediately available to assist the person being supervised in the services being performed; and (c) maintain continued involvement in appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel.

(11) "Sharp debridement" means the removal of devitalized tissue from a wound with scissors, scalpel, and tweezers without anesthesia. "Sharp debridement" does not mean surgical debridement. A physical therapist may perform sharp debridement, to include the use of a scalpel, only upon showing evidence of adequate education and training as established by rule. Until the rules are established, but no later than July 1, 2006, physical therapists licensed under this chapter who perform sharp debridement as of the effective date of this section shall submit to the secretary an affidavit that includes evidence of

adequate education and training in sharp debridement, including the use of a scalpel.

Sec. 3. RCW 18.74.012 and 2000 c 171 s 24 are each amended to read as follows:

~~((Notwithstanding the provisions of RCW 18.74.010(3),))~~ A consultation and periodic review by an authorized health care practitioner is not required for treatment of neuromuscular or musculoskeletal conditions~~((~~PROVIDED, That a physical therapist may only provide treatment utilizing orthoses that support, align, prevent, or correct any structural problems intrinsic to the foot or ankle by referral or consultation from an authorized health care practitioner~~)).~~

NEW SECTION. Sec. 4. (1) It is unlawful for any person to practice or in any manner hold himself or herself out to practice physical therapy or designate himself or herself as a physical therapist, unless he or she is licensed in accordance with this chapter.

(2) This chapter does not restrict persons licensed under any other law of this state from engaging in the profession or practice for which they are licensed, if they are not representing themselves to be physical therapists or providers of physical therapy.

(3) The following persons are exempt from licensure as physical therapists under this chapter when engaged in the following activities:

(a) A person who is pursuing a course of study leading to a degree as a physical therapist in an approved professional education program and is satisfying supervised clinical education requirements related to his or her physical therapy education while under direct supervision of a licensed physical therapist;

(b) A physical therapist while practicing in the United States armed services, United States public health service, or veterans administration as based on requirements under federal regulations for state licensure of health care providers; and

(c) A physical therapist licensed in another United States jurisdiction, or a foreign-educated physical therapist credentialed in another country, performing physical therapy as part of teaching or participating in an educational seminar of no more than sixty days in a calendar year.

NEW SECTION. Sec. 5. (1) A physical therapist licensed under this chapter is fully authorized to practice physical therapy as defined in this chapter.

(2) A physical therapist shall refer persons under his or her care to appropriate health care practitioners if the physical therapist has reasonable cause to believe symptoms or conditions are present that require services beyond the scope of practice under this chapter or when physical therapy is contraindicated.

(3) Physical therapists shall adhere to the recognized standards of ethics of the physical therapy profession and as further established by rule.

(4) A physical therapist may perform electroneuromyographic examinations for the purpose of testing neuromuscular function only by referral from an authorized health care practitioner identified in RCW 18.74.010(7) and only upon demonstration of further education and training in electroneuromyographic examinations as established by rule. Within two years after July 1, 2005, the secretary shall waive the requirement for further education and training for those

physical therapists licensed under this chapter who perform electroneuromyographic examinations.

(5) A physical therapist licensed under this chapter may purchase, store, and administer medications such as hydrocortisone, fluocinonide, topical anesthetics, silver sulfadiazine, lidocaine, magnesium sulfate, zinc oxide, and other similar medications, and may administer such other drugs or medications as prescribed by an authorized health care practitioner for the practice of physical therapy. A pharmacist who dispenses such drugs to a licensed physical therapist is not liable for any adverse reactions caused by any method of use by the physical therapist.

NEW SECTION, Sec. 6. (1) Physical therapists are responsible for patient care given by assistive personnel under their supervision. A physical therapist may delegate to assistive personnel and supervise selected acts, tasks, or procedures that fall within the scope of physical therapy practice but do not exceed the education or training of the assistive personnel.

(2) Nothing in this chapter may be construed to prohibit other licensed health care providers from using the services of physical therapist assistants, physical therapist aides, or other assistive personnel as long as the licensed health care provider is responsible for the activities of such assistants, aides, and other personnel and provides appropriate supervision.

NEW SECTION, Sec. 7. Sections 4 through 6 of this act are each added to chapter 18.74 RCW.

Passed by the House April 18, 2005.

Passed by the Senate April 7, 2005.

Approved by the Governor May 17, 2005.

Filed in Office of Secretary of State May 17, 2005.

CHAPTER 502

[Substitute House Bill 1158]

COUNTY TREASURERS

AN ACT Relating to county treasurer administrative changes; amending RCW 1.12.070, 36.29.010, 63.29.020, 63.29.190, 82.02.020, 84.56.020, 84.56.310, and 84.69.020; adding a new section to chapter 84.56 RCW; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 1.12.070 and 1967 c 222 s 1 are each amended to read as follows:

Except as otherwise specifically provided by law hereafter:

(1) Any report, claim, tax return, statement or other document required to be filed with, or any payment made to the state or to any political subdivision thereof, which is (a) transmitted through the United States mail or private third-party delivery service, shall be deemed filed and received by the state or political subdivision on the date shown by the post office or private third-party delivery service cancellation mark or shipping date stamped or affixed upon the envelope or other appropriate wrapper containing it; or (b) mailed via United States mail or sent by a private third-party delivery service but not received by the state or political subdivision, or where received and the cancellation mark or shipping date is illegible, erroneous, or omitted, shall be deemed filed and received on the

date it was mailed if the sender establishes by competent evidence that the report, claim, tax return, statement, remittance, or other document was deposited with a private third-party delivery service or in the United States mail on or before the date due for filing; and in cases of such nonreceipt of a report, tax return, statement, remittance, or other document required by law to be filed, the sender files with the state or political subdivision a duplicate within ten days after written notification is given to the sender by the state or political subdivision of its nonreceipt of such report, tax return, statement, remittance, or other document.

(2)(a) If any report, claim, tax return, statement, remittance, or other document is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States post office of such registration, certification or certificate shall be considered competent evidence that the report, claim, tax return, statement, remittance or other document was delivered to the addressee, and the date of registration, certification or certificate shall be deemed the postmarked date.

(b) If any report, claim, tax return, statement, remittance, or other document is sent via private third-party delivery service, a record authenticated by the private third-party delivery service shall be considered competent evidence that the report, claim, tax return, statement, remittance, or other document was delivered to the addressee, and the date of deposit with the private third-party delivery service shall be deemed the shipping date.

(3) If the date for filing any report, claim, tax return, statement, remittance, or other document falls upon a Saturday, Sunday or legal holiday, the filing shall be considered timely if performed on the next business day.

Sec. 2. RCW 36.29.010 and 2002 c 168 s 4 are each amended to read as follows:

The county treasurer:

(1) Shall receive all money due the county and disburse it on warrants issued and attested by the county auditor and electronic funds transfer under RCW 39.58.750 as attested by the county auditor;

(2) Shall issue a receipt in duplicate for all money received other than taxes; the treasurer shall deliver immediately to the person making the payment the original receipt and the duplicate shall be retained by the treasurer;

(3) Shall affix on the face of all paid warrants the date of redemption or, in the case of proper contract between the treasurer and a qualified public depository, the treasurer may consider the date affixed by the financial institution as the date of redemption;

(4) Shall endorse, before the date of issue by the county or by any taxing district for whom the county treasurer acts as treasurer, on the face of all warrants for which there are not sufficient funds for payment, "interest bearing warrant." When there are funds to redeem outstanding warrants, the county treasurer shall give notice:

(a) By publication in a legal newspaper published or circulated in the county; or

(b) By posting at three public places in the county if there is no such newspaper; or

(c) By notification to the financial institution holding the warrant;

(5) Shall pay interest on all interest-bearing warrants from the date of issue to the date of notification;

(6) Shall maintain financial records reflecting receipts and disbursement by fund in accordance with generally accepted accounting principles;

(7) Shall account for and pay all bonded indebtedness for the county and all special districts for which the county treasurer acts as treasurer;

(8) Shall invest all funds of the county or any special district in the treasurer's custody, not needed for immediate expenditure, in a manner consistent with appropriate statutes. If cash is needed to redeem warrants issued from any fund in the custody of the treasurer, the treasurer shall liquidate investments in an amount sufficient to cover such warrant redemptions; and

(9) May provide certain collection services for county departments.

The treasurer, at the expiration of the term of office, shall make a complete settlement with the county legislative authority, and shall deliver to the successor all public money, books, and papers in the treasurer's possession.

Money received by all entities for whom the county treasurer serves as treasurer must be deposited within twenty-four hours in an account designated by the county treasurer unless a waiver is granted by the county treasurer in accordance with RCW 43.09.240.

Sec. 3. RCW 63.29.020 and 2004 c 168 s 14 are each amended to read as follows:

(1) Except as otherwise provided by this chapter, all intangible property, including any income or increment derived therefrom, less any lawful charges, that is held, issued, or owing in the ordinary course of the holder's business and has remained unclaimed by the owner for more than three years after it became payable or distributable is presumed abandoned.

(2) Property, with the exception of unredeemed Washington state lottery tickets and unrepresented winning parimutuel tickets, is payable and distributable for the purpose of this chapter notwithstanding the owner's failure to make demand or to present any instrument or document required to receive payment.

(3) This chapter does not apply to claims drafts issued by insurance companies representing offers to settle claims unliquidated in amount or settled by subsequent drafts or other means.

(4) This chapter does not apply to property covered by chapter 63.26 RCW.

(5) This chapter does not apply to used clothing, umbrellas, bags, luggage, or other used personal effects if such property is disposed of by the holder as follows:

(a) In the case of personal effects of negligible value, the property is destroyed; or

(b) The property is donated to a bona fide charity.

(6) This chapter does not apply to a gift certificate subject to the prohibition against expiration dates under RCW 19.240.020 or to a gift certificate subject to RCW 19.240.030 through 19.240.060. However, this chapter applies to gift certificates presumed abandoned under RCW 63.29.110.

(7) This chapter does not apply to excess proceeds held by counties, cities, towns, and other municipal or quasi-municipal corporations from foreclosures for delinquent property taxes, assessments, or other liens.

Sec. 4. RCW 63.29.190 and 1993 c 498 s 8 are each amended to read as follows:

(1) Except as otherwise provided in subsections (2) and (3) of this section, a person who is required to file a report under RCW 63.29.170 shall pay or deliver to the department all abandoned property required to be reported at the time of filing the report.

(2) Counties, cities, towns, and other municipal and quasi-municipal corporations that hold funds representing warrants canceled pursuant to RCW 36.22.100 and 39.56.040, uncashed checks, (~~excess proceeds from property tax and irrigation district foreclosures,~~) and property tax overpayments or refunds may retain the funds until the owner notifies them and establishes ownership as provided in RCW 63.29.135. Counties, cities, towns, or other municipal or quasi-municipal corporations shall provide to the department a report of property it is holding pursuant to this section. The report shall identify the property and owner in the manner provided in RCW 63.29.170 and the department shall publish the information as provided in RCW 63.29.180.

(3) The contents of a safe deposit box or other safekeeping repository presumed abandoned under RCW 63.29.160 and reported under RCW 63.29.170 shall be paid or delivered to the department within six months after the final date for filing the report required by RCW 63.29.170.

If the owner establishes the right to receive the abandoned property to the satisfaction of the holder before the property has been delivered or it appears that for some other reason the presumption of abandonment is erroneous, the holder need not pay or deliver the property to the department, and the property will no longer be presumed abandoned. In that case, the holder shall file with the department a verified written explanation of the proof of claim or of the error in the presumption of abandonment.

(4) The holder of an interest under RCW 63.29.100 shall deliver a duplicate certificate or other evidence of ownership if the holder does not issue certificates of ownership to the department. Upon delivery of a duplicate certificate to the department, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate is relieved of all liability of every kind in accordance with RCW 63.29.200 to every person, including any person acquiring the original certificate or the duplicate of the certificate issued to the department, for any losses or damages resulting to any person by the issuance and delivery to the department of the duplicate certificate.

Sec. 5. RCW 82.02.020 and 1997 c 452 s 21 are each amended to read as follows:

Except only as expressly provided in chapters 67.28 and 82.14 RCW, the state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision,

classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the county and at the same rate applied to ((judgments to the property owners of record at the time of the refund)) tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges: PROVIDED, That no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged: PROVIDED FURTHER, That these provisions shall not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

This section does not apply to special purpose districts formed and acting pursuant to Titles 54, 57, or 87 RCW, nor is the authority conferred by these titles affected.

NEW SECTION. Sec. 6. A new section is added to chapter 84.56 RCW to read as follows:

Every person who offers a document to the auditor of the proper county for recording that results in any division, alteration, or adjustment of real property boundary lines, except as provided for in RCW 58.04.007(1) and 84.40.042(1)(c), shall present a certificate of payment from the proper officer who is in charge of the collection of taxes and assessments for the affected property or properties. All taxes and assessments, both current and delinquent must be paid. For purposes of this act, liability shall begin on January 1st. Taxes not yet levied and certified shall be collected as an advance tax under RCW 58.08.040.

Sec. 7. RCW 84.56.020 and 2004 c 161 s 6 are each amended to read as follows:

(1) The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer on or before the thirtieth day of April and, except as provided in this section, shall be delinquent after that date.

(2) Each tax statement shall include a notice that checks for payment of taxes may be made payable to "Treasurer of County" or other appropriate office, but tax statements shall not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual.

(3) When the total amount of tax or special assessments on personal property or on any lot, block or tract of real property payable by one person is fifty dollars or more, and if one-half of such tax be paid on or before the thirtieth day of April, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

(4) When the total amount of tax or special assessments on any lot, block or tract of real property or on any mobile home payable by one person is fifty dollars or more, and if one-half of such tax be paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of tax payable for that year, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

(5) Delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis on the full year amount

of tax unpaid from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the tax, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(a) A penalty of three percent of the full year amount of tax unpaid shall be assessed on the tax delinquent on June 1st of the year in which the tax is due.

(b) An additional penalty of eight percent shall be assessed on the amount of tax delinquent on December 1st of the year in which the tax is due.

(6) Subsection (5) of this section notwithstanding, no interest or penalties may be assessed (~~for the period April 30, 2003, through April 30, 2005,~~) during any period of armed conflict on delinquent taxes imposed (~~for collection in 2003 or 2004 which are imposed~~) on the personal residences owned by active duty military personnel who (~~participated in the situation known as "Operation Enduring Freedom."~~) are participating as part of one of the branches of the military involved in the conflict and assigned to a duty station outside the territorial boundaries of the United States.

(7) For purposes of this chapter, "interest" means both interest and penalties.

(8) All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

Sec. 8. RCW 84.56.310 and 1961 c 15 s 84.56.310 are each amended to read as follows:

Any person being the owner or having an interest in an estate or claim to real property against which taxes (~~shall have been unpaid~~) have not been paid may pay the same and satisfy the lien at any time before (~~execution of a deed to said~~) the filing of a certificate of delinquency against the real property. The person or authority who shall collect or receive the same shall give a certificate that such taxes have been so paid to the person or persons entitled to demand such certificate. After the filing of a certificate of delinquency, the redemption rights shall be controlled by RCW 84.64.060.

Sec. 9. RCW 84.69.020 and 2002 c 168 s 11 are each amended to read as follows:

On the order of the county treasurer, ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once;
- (2) Paid as a result of manifest error in description;
- (3) Paid as a result of a clerical error in extending the tax rolls;
- (4) Paid as a result of other clerical errors in listing property;
- (5) Paid with respect to improvements which did not exist on assessment date;
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional;

(7) Paid as a result of mistake, inadvertence, or lack of knowledge by any person exempted from paying real property taxes or a portion thereof pursuant to RCW 84.36.381 through 84.36.389, as now or hereafter amended;

(8) Paid as a result of mistake, inadvertence, or lack of knowledge by either a public official or employee or by any person with respect to real property in which the person paying the same has no legal interest;

(9) Paid on the basis of an assessed valuation which was appealed to the county board of equalization and ordered reduced by the board;

(10) Paid on the basis of an assessed valuation which was appealed to the state board of tax appeals and ordered reduced by the board: PROVIDED, That the amount refunded under subsections (9) and (10) of this section shall only be for the difference between the tax paid on the basis of the appealed valuation and the tax payable on the valuation adjusted in accordance with the board's order;

(11) Paid as a state property tax levied upon property, the assessed value of which has been established by the state board of tax appeals for the year of such levy: PROVIDED, HOWEVER, That the amount refunded shall only be for the difference between the state property tax paid and the amount of state property tax which would, when added to all other property taxes within the one percent limitation of Article VII, section 2 of the state Constitution equal one percent of the assessed value established by the board;

(12) Paid on the basis of an assessed valuation which was adjudicated to be unlawful or excessive: PROVIDED, That the amount refunded shall be for the difference between the amount of tax which was paid on the basis of the valuation adjudged unlawful or excessive and the amount of tax payable on the basis of the assessed valuation determined as a result of the proceeding;

(13) Paid on property acquired under RCW 84.60.050, and canceled under RCW 84.60.050(2);

(14) Paid on the basis of an assessed valuation that was reduced under RCW 84.48.065;

(15) Paid on the basis of an assessed valuation that was reduced under RCW 84.40.039; or

(16) Abated under RCW 84.70.010.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property, except as authorized in subsections (9), (10), (11), and (12) of this section nor may any refunds be made if a bona fide purchaser has acquired rights that would preclude the assessment and collection of the refunded tax from the property that should properly have been charged with the tax. Any refunds made on delinquent taxes shall include the proportionate amount of interest and penalties paid. However, no refunds as a result of an incorrect payment authorized under subsection (8) of this section made by a third party payee shall (~~not include refund interest~~) be granted. The county treasurer may deduct from moneys collected for the benefit of the state's levy, refunds of the state levy including interest on the levy as provided by this section and chapter 84.68 RCW.

The county treasurer of each county shall make all refunds determined to be authorized by this section, and by the first Monday in February of each year, report to the county legislative authority a list of all refunds made under this section during the previous year. The list is to include the name of the person receiving the refund, the amount of the refund, and the reason for the refund.

NEW SECTION. **Sec. 10.** Section 7 of this act applies to all taxes levied for collection in 2005 and thereafter.

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.

Passed by the House April 18, 2005.

Passed by the Senate April 12, 2005.

Approved by the Governor May 17, 2005.

Filed in Office of Secretary of State May 17, 2005.

CHAPTER 503

[Engrossed Second Substitute House Bill 1290]

MENTAL HEALTH SERVICES

AN ACT Relating to community mental health services; amending RCW 71.24.025, 71.24.030, 71.24.045, 71.24.100, 71.24.240, and 71.24.300; reenacting and amending RCW 71.24.015 and 71.24.035; adding new sections to chapter 71.24 RCW; adding a new section to chapter 74.09 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 71.24.015 and 2001 c 334 s 6 and 2001 c 323 s 1 are each reenacted and amended to read as follows:

It is the intent of the legislature to establish a community mental health program which shall help people experiencing mental illness to retain a respected and productive position in the community. This will be accomplished through programs that focus on resilience and recovery, and practices that are evidence-based, research-based, consensus-based, or, where these do not exist, promising or emerging best practices, which provide for:

(1) Access to mental health services for adults of the state who are acutely mentally ill, chronically mentally ill, or seriously disturbed and children of the state who are acutely mentally ill, severely emotionally disturbed, or seriously disturbed, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. Access to mental health services shall not be limited by a person's history of confinement in a state, federal, or local correctional facility. It is also the purpose of this chapter to promote the early identification of mentally ill children and to ensure that they receive the mental health care and treatment which is appropriate to their developmental level. This care should improve home, school, and community functioning, maintain children in a safe and nurturing home environment, and should enable treatment decisions to be made in response to clinical needs in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) The involvement of persons with mental illness, their family members, and advocates in designing and implementing mental health services that reduce unnecessary hospitalization and incarceration and promote the recovery and employment of persons with mental illness. To improve the quality of services available and promote the rehabilitation, recovery, and reintegration of persons with mental illness, consumer and advocate participation in mental health

services is an integral part of the community mental health system and shall be supported;

(3) Accountability of efficient and effective services through state of the art outcome and performance measures and statewide standards for monitoring client and system outcomes, performance, and reporting of client and system outcome information. These processes shall be designed so as to maximize the use of available resources for direct care of people with a mental illness and to assure uniform data collection across the state;

~~((3))~~ (4) Minimum service delivery standards;

~~((4))~~ (5) Priorities for the use of available resources for the care of the mentally ill consistent with the priorities defined in the statute;

~~((5))~~ (6) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, regional support networks, community mental health services, and other support services, which shall to the maximum extent feasible also include the families of the mentally ill, and other service providers; and

~~((6))~~ (7) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

It is the policy of the state to encourage the provision of a full range of treatment and rehabilitation services in the state for mental disorders including services operated by consumers and advocates. The legislature intends to encourage the development of ~~((county-based and county-managed))~~ regional mental health services with adequate local flexibility to assure eligible people in need of care access to the least-restrictive treatment alternative appropriate to their needs, and the availability of treatment components to assure continuity of care. To this end, counties are encouraged to enter into joint operating agreements with other counties to form regional systems of care ~~((which))~~. Regional systems of care, whether operated by a county, group of counties, or another entity shall integrate planning, administration, and service delivery duties ~~((assigned to counties))~~ under chapters 71.05 and 71.24 RCW to consolidate administration, reduce administrative layering, and reduce administrative costs. The legislature hereby finds and declares that sound fiscal management requires vigilance to ensure that funds appropriated by the legislature for the provision of needed community mental health programs and services are ultimately expended solely for the purpose for which they were appropriated, and not for any other purpose.

It is further the intent of the legislature to integrate the provision of services to provide continuity of care through all phases of treatment. To this end the legislature intends to promote active engagement with mentally ill persons and collaboration between families and service providers.

Sec. 2. RCW 71.24.025 and 2001 c 323 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs (~~under RCW 71.24.045~~), federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)(~~(e)~~) (d).

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services, activities, or programs using available resources.

(6) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(7) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(8) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional

literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(9) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

~~((9))~~ (10) "Department" means the department of social and health services.

~~((10))~~ (11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(12) "Emerging best practice" or "promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(13) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(14) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or individuals licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

~~((14))~~ (15) "Mental health services" means all services provided by regional support networks and other services provided by the state for the mentally ill.

~~((15))~~ (16) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), ~~((17))~~ (24), and ~~((18))~~ (25) of this section.

~~((16))~~ (17) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(18) "Regional support network" means a county authority or group of county authorities or other entity recognized by the secretary ~~((that enter into joint operating agreements to contract with the secretary pursuant to this chapter))~~ in contract in a defined region.

~~((18))~~ (19) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes, boarding homes, and adult family homes. Residential services for children in out-of-home placements related to their mental disorder shall not

include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((45))~~ (20) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(21) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(22) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((46))~~ (23) "Secretary" means the secretary of social and health services.

~~((47))~~ (24) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((48))~~ (25) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((19))~~ (26) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((20))~~ (27) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

Sec. 3. RCW 71.24.030 and 2001 c 323 s 9 are each amended to read as follows:

The secretary is authorized to make grants ~~((to))~~ and/or purchase services from counties ~~((or))~~, combinations of counties ~~((in the establishment and operation of))~~, or other entities, to establish and operate community mental health programs.

NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows:

(1) The secretary shall initiate a procurement process for regional support networks in 2005. In the first step of the procurement process, existing regional support networks may respond to a request for qualifications developed by the department. The secretary shall issue the request for qualifications not later than October 1, 2005. The request for qualifications shall be based on cost-effectiveness, adequate residential and service capabilities, effective collaboration with criminal justice agencies and the chemical dependency treatment system, and the ability to provide the full array of services as stated in the mental health state plan, and shall meet all applicable federal and state regulations and standards. An existing regional support network shall be awarded the contract with the department if it substantially meets the requirements of the request for qualifications developed by the department.

(2) If an existing regional support network chooses not to respond to the request for qualifications, or is unable to substantially meet the requirements of the request for qualifications, the department shall utilize a procurement process in which other entities recognized by the secretary may bid to serve as the

regional support network in that region. The procurement process shall begin with a request for proposals issued March 1, 2006.

***NEW SECTION. Sec. 5.** *A new section is added to chapter 71.24 RCW to read as follows:*

There shall be not less than eight and not more than fourteen regional support networks.

*Sec. 5 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 71.24 RCW to read as follows:

(1) Contracts between a regional support network and the department shall include mechanisms for monitoring performance under the contract and remedies for failure to substantially comply with the requirements of the contract including, but not limited to, financial penalties, termination of the contract, and reprourement of the contract.

(2) The procurement process shall encourage the preservation of infrastructure previously purchased by the community mental health service delivery system, the maintenance of linkages between other services and delivery systems, and maximization of the use of available funds for services versus profits. The procurement process shall provide that public funds appropriated by the legislature shall not be used to promote or deter, encourage, or discourage employees from exercising their rights under Title 29, chapter 7, subchapter II, United States Code or chapter 41.56 RCW.

(3) In addition to the requirements of RCW 71.24.035, contracts shall:

(a) Define administrative costs and ensure that the regional support network does not exceed an administrative cost of ten percent of available funds;

(b) Require effective collaboration with law enforcement, criminal justice agencies, and the chemical dependency treatment system;

(c) Require substantial implementation of department adopted integrated screening and assessment process and matrix of best practices; and

(d) Maintain the decision-making independence of designated mental health professionals.

Sec. 7. RCW 71.24.035 and 2001 c 334 s 7 and 2001 c 323 s 10 are each reenacted and amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the ~~((county authority if a county fails))~~ regional support network if the regional support network fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates ~~((county))~~ regional biennial needs assessments and ~~((county))~~ regional mental health service plans and state services for mentally ill adults and children. The secretary ~~((may))~~ shall also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the ~~((county's))~~ region's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. These rules shall permit a county-operated mental health program to be licensed as a service provider subject to compliance with applicable statutes and rules. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards and sections 4 and 6 of this act, which shall be used in contracting with regional support networks ~~((or counties))~~. The standard contract shall include a maximum fund balance, which shall ~~((not exceed ten percent))~~ be consistent with that required by federal regulations or waiver stipulations;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of ~~((county authorities))~~ regional support

networks and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state(~~(;~~ ~~counties;~~)) and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440(~~(—The design of the system and the data elements to be collected shall be reviewed by the work group appointed by the secretary under section 5(1) of this act and representing the department, regional support networks, service providers, consumers, and advocates.—The data elements shall be designed to provide information that is needed to measure performance and achieve the service outcomes identified in section 5 of this act)~~);

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit (~~(counties;~~)) regional support networks(~~(;~~)) and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter; (~~and~~)

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter; and

(n) Assure the availability of an appropriate amount, as determined by the legislature in the operating budget by amounts appropriated for this specific purpose, of community-based, geographically distributed residential services.

(6) The secretary shall use available resources only for regional support networks, except to the extent authorized, and in accordance with any priorities or conditions specified, in the biennial appropriations act.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation

of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects ~~((county))~~ regional needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on ~~((counties))~~ regions of demographic factors ~~((in counties))~~ which result in concentrations of priority populations as set forth in subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The formula shall also include a projection of the funding allocations that will result for each ~~((county))~~ region, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(c) After July 1, 2003, the department may allocate up to two percent of total funds to be distributed to the regional support networks for incentive payments to reward the achievement of superior outcomes, or significantly improved outcomes, as measured by a statewide performance measurement system consistent with the framework recommended in the joint legislative audit and review committee's performance audit of the mental health system. The department shall annually report to the legislature on its criteria and allocation of the incentives provided under this subsection.

(14) The secretary shall assume all duties assigned to the nonparticipating ~~((counties))~~ regional support networks under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties ~~((under))~~ in regions where there are not participating regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including

at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

~~(c) ((Allocate one hundred percent of available resources to the regional support networks in accordance with subsection (13) of this section. Incentive payments authorized under subsection (13) of this section may be allocated separately from other available resources.~~

~~(d))~~ Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

~~((e))~~ (d) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

Sec. 8. RCW 71.24.045 and 2001 c 323 s 12 are each amended to read as follows:

The ~~((county authority))~~ regional support network shall:

(1) Contract as needed with licensed service providers. The ~~((county authority))~~ regional support network may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(2) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the ~~((county authority))~~ regional support network shall comply with rules promulgated by the secretary that shall provide measurements to determine when a ~~((county))~~ regional support network provided service is more efficient and cost effective;

(3) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the ~~((county))~~ regional support network to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts;

(4) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this chapter;

(5) Maintain patient tracking information in a central location as required for resource management services and the department's information system;

(6) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155: PROVIDED, That county authorities serving a county or combination of counties whose population is one hundred twenty-five thousand or more may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board;

(7) Collaborate to ensure that policies do not result in an adverse shift of mentally ill persons into state and local correctional facilities;

(8) Work with the department to expedite the enrollment or re-enrollment of eligible persons leaving state or local correctional facilities and institutions for mental diseases;

(9) If a regional support network is not operated by the county, work closely with the county designated mental health professional or county designated crisis responder to maximize appropriate placement of persons into community services; and

(10) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

Sec. 9. RCW 71.24.100 and 1982 c 204 s 7 are each amended to read as follows:

A county authority or a group of county authorities may enter into a joint operating agreement to form a regional support network. Any agreement between two or more county authorities for the establishment of a ~~((community mental health program))~~ regional support network shall provide:

(1) That each county shall bear a share of the cost of mental health services; and

(2) That the treasurer of one participating county shall be the custodian of funds made available for the purposes of such mental health services, and that the treasurer may make payments from such funds upon audit by the appropriate auditing officer of the county for which he is treasurer.

Sec. 10. RCW 71.24.240 and 1982 c 204 s 13 are each amended to read as follows:

In order to establish eligibility for funding under this chapter, any ~~((county or counties))~~ regional support network seeking to obtain federal funds for the support of any aspect of a community mental health program as defined in this chapter shall submit program plans to the secretary for prior review and approval before such plans are submitted to any federal agency.

Sec. 11. RCW 71.24.300 and 2001 c 323 s 17 are each amended to read as follows:

~~((A county authority or a group of county authorities whose combined population is no less than forty thousand may enter into a joint operating agreement to form a regional support network.))~~ Upon the request of a tribal authority or authorities within a regional support network the joint operating agreement or the county authority shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network. The roles and responsibilities of the county and tribal authorities shall be determined by the terms of that agreement including a determination of membership on the governing board and advisory committees, the number of tribal representatives to be party to the agreement, and the provisions of law and shall assure the provision of culturally competent services to the tribes served. The state mental health authority may not determine the roles and responsibilities of county authorities as to each other under regional support networks by rule, except to assure that all duties required of regional support networks are assigned and that counties and the regional support network do not duplicate functions and that a single authority has final responsibility for all available resources and performance under the regional support network's contract with the secretary. If a regional support network is a private entity, the department shall allow for the inclusion of the tribal authority to be represented as a party to the regional support network. The roles and responsibilities of the private entity and the tribal authorities shall be determined by the department, through negotiation with the tribal authority.

(1) Regional support networks shall submit an overall six-year operating and capital plan, timeline, and budget and submit progress reports and an updated two-year plan biennially thereafter, to assume within available resources all of the following duties:

(a) Administer and provide for the availability of all resource management services, residential services, and community support services.

~~(b) ((Assume the powers and duties of county authorities within its area as described in RCW 71.24.045 (1) through (7)).~~

~~(e))~~ Administer and provide for the availability of all investigation, transportation, court-related, and other services provided by the state or counties pursuant to chapter 71.05 RCW.

~~((d))~~ (c) Provide within the boundaries of each regional support network evaluation and treatment services for at least eighty-five percent of persons detained or committed for periods up to seventeen days according to chapter 71.05 RCW. Regional support networks with populations of less than one hundred fifty thousand may contract to purchase evaluation and treatment services from other networks. Insofar as the original intent of serving persons in the community is maintained, the secretary is authorized to approve exceptions on a case-by-case basis to the requirement to provide evaluation and treatment services within the boundaries of each regional support network. Such exceptions are limited to contracts with neighboring or contiguous regions.

~~((e))~~ (d) Administer a portion of funds appropriated by the legislature to house mentally ill persons in state institutions from counties within the boundaries of any regional support network, with the exception of persons currently confined at, or under the supervision of, a state mental hospital pursuant to chapter 10.77 RCW, and provide for the care of all persons needing evaluation and treatment services for periods up to seventeen days according to

chapter 71.05 RCW in appropriate residential services, which may include state institutions. The regional support networks shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium when reimbursement occurs. The secretary shall submit a report to the appropriate committees of the senate and house of representatives on the efforts to implement this section by October 1, 2002. The duty of a state hospital to accept persons for evaluation and treatment under chapter 71.05 RCW is limited by the responsibilities assigned to regional support networks under this section.

~~((#))~~ (e) Administer and provide for the availability of all other mental health services, which shall include patient counseling, day treatment, consultation, education services, employment services as defined in RCW 71.24.035, and mental health services to children ~~((as provided in this chapter designed to achieve the outcomes specified in section 5 of this act))~~.

~~((#))~~ (f) Establish standards and procedures for reviewing individual service plans and determining when that person may be discharged from resource management services.

(2) ~~((Regional support networks shall assume all duties assigned to county authorities by this chapter and chapter 71.05 RCW.~~

~~((#))~~ A regional support network may request that any state-owned land, building, facility, or other capital asset which was ever purchased, deeded, given, or placed in trust for the care of the mentally ill and which is within the boundaries of a regional support network be made available to support the operations of the regional support network. State agencies managing such capital assets shall give first priority to requests for their use pursuant to this chapter.

~~((#))~~ (3) Each regional support network shall appoint a mental health advisory board which shall review and provide comments on plans and policies developed under this chapter, provide local oversight regarding the activities of the regional support network, and work with the regional support network to resolve significant concerns regarding service delivery and outcomes. The department shall establish statewide procedures for the operation of regional advisory committees including mechanisms for advisory board feedback to the department regarding regional support network performance. The composition of the board shall be broadly representative of the demographic character of the region and ~~((the mentally ill persons served therein))~~ shall include, but not be limited to, representatives of consumers and families, law enforcement, and where the county is not the regional support network, county elected officials. Composition and length of terms of board members may differ between regional support networks but shall be ~~((determined))~~ included in each regional support network's contract and approved by the ~~((regional support network))~~ secretary.

~~((#))~~ (4) Regional support networks shall assume all duties specified in their plans and joint operating agreements through biennial contractual agreements with the secretary.

~~((#))~~ ~~Counties or groups of counties participating in a regional support network are not subject to RCW 71.24.045(6).~~

(7) (5) Regional support networks may receive technical assistance from the housing trust fund and may identify and submit projects for housing and housing support services to the housing trust fund established under chapter

43.185 RCW. Projects identified or submitted under this subsection must be fully integrated with the regional support network six-year operating and capital plan, timeline, and budget required by subsection (1) of this section.

NEW SECTION. Sec. 12. A new section is added to chapter 74.09 RCW to read as follows:

(1) The department shall adopt rules and policies providing that when persons with a mental disorder, who were enrolled in medical assistance immediately prior to confinement, are released from confinement, their medical assistance coverage will be fully reinstated on the day of their release, subject to any expedited review of their continued eligibility for medical assistance coverage that is required under federal or state law.

(2) The department, in collaboration with the Washington association of sheriffs and police chiefs, the department of corrections, and the regional support networks, shall establish procedures for coordination between department field offices, institutions for mental disease, and correctional institutions, as defined in RCW 9.94.049, that result in prompt reinstatement of eligibility and speedy eligibility determinations for persons who are likely to be eligible for medical assistance services upon release from confinement. Procedures developed under this subsection must address:

(a) Mechanisms for receiving medical assistance services applications on behalf of confined persons in anticipation of their release from confinement;

(b) Expedient review of applications filed by or on behalf of confined persons and, to the extent practicable, completion of the review before the person is released;

(c) Mechanisms for providing medical assistance services identity cards to persons eligible for medical assistance services immediately upon their release from confinement; and

(d) Coordination with the federal social security administration, through interagency agreements or otherwise, to expedite processing of applications for federal supplemental security income or social security disability benefits, including federal acceptance of applications on behalf of confined persons.

(3) Where medical or psychiatric examinations during a person's confinement indicate that the person is disabled, the correctional institution or institution for mental diseases shall provide the department with that information for purposes of making medical assistance eligibility and enrollment determinations prior to the person's release from confinement. The department shall, to the maximum extent permitted by federal law, use the examination in making its determination whether the person is disabled and eligible for medical assistance.

(4) For purposes of this section, "confined" or "confinement" means incarcerated in a correctional institution, as defined in RCW 9.94.049, or admitted to an institute for mental disease, as defined in 42 C.F.R. part 435, Sec. 1009 on the effective date of this section.

(5) For purposes of this section, "likely to be eligible" means that a person:

(a) Was enrolled in medicaid or supplemental security income or general assistance immediately before he or she was confined and his or her enrollment was terminated during his or her confinement; or

(b) Was enrolled in medicaid or supplemental security income or general assistance at any time during the five years before his or her confinement, and

medical or psychiatric examinations during the person's confinement indicate that the person continues to be disabled and the disability is likely to last at least twelve months following release.

(6) The economic services administration shall adopt standardized statewide screening and application practices and forms designed to facilitate the application of a confined person who is likely to be eligible for medicaid.

NEW SECTION. Sec. 13. A new section is added to chapter 71.24 RCW to read as follows:

The secretary shall require the regional support networks to develop interlocal agreements pursuant to section 12 of this act. To this end, the regional support networks shall accept referrals for enrollment on behalf of a confined person, prior to the person's release.

NEW SECTION. Sec. 14. (1) A joint legislative and executive task force on mental health services delivery and financing is created. The joint task force shall consist of eight members, as follows: The secretary of the department of social and health services or his or her designee; the president of the Washington state association of counties or his or her designee; a representative from the governor's office; two members of the senate appointed by the president of the senate, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus; two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be a member of the majority caucus and one of whom shall be a member of the minority caucus; and the chair of the joint legislative audit and review committee or his or her designee. Staff support for the joint task force shall be provided by the office of financial management, the house of representatives office of program research, and senate committee services.

(2) The joint task force may create advisory committees to assist the joint task force in its work.

(3) Joint task force members may be reimbursed for travel expenses as authorized under RCW 43.03.050 and 43.03.060 and chapter 44.04 RCW, as appropriate. Advisory committee members, if appointed, shall not receive compensation or reimbursement for travel or expenses.

(4) The joint task force shall oversee and make recommendations related to:

(a) The reorganization of the mental health administrative structure within the department of social and health services;

(b) The standards and correction process and the procurement process established by sections 4 through 6 of this act, including the establishment of regional support networks through a procurement process;

(c) The extent to which the current funding distribution methodology achieves equity in funding and access to services for mental health services consumers;

(d) Serving the needs of nonmedicaid consumers for the priority populations under chapter 71.24 RCW; and

(e) The types, numbers, and locations of inpatient psychiatric hospital and community residential beds needed to serve persons with a mental illness.

(5) The joint task force shall report its initial findings and recommendations to the governor and appropriate committees of the legislature by January 1, 2006, and its final findings and recommendations by June 30, 2007.

(6) This section expires June 30, 2007.

NEW SECTION. Sec. 15. (1) The department of social and health services shall enter into a contract with regional support networks for the period ending August 31, 2006. The department shall issue a request for proposal to the extent required by section 4 of this act and the contract shall be effective September 1, 2006.

(2) This section expires June 30, 2007.

NEW SECTION. Sec. 16. The code reviser shall replace all references to "county designated mental health professional" with "designated mental health professional" in the Revised Code of Washington.

NEW SECTION. Sec. 17. This act does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

NEW SECTION. Sec. 18. 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. 19. Section 4 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.

Passed by the House April 19, 2005.

Passed by the Senate April 14, 2005.

Approved by the Governor May 17, 2005, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 5, Engrossed Second Substitute House Bill No. 1290 entitled:

"AN ACT Relating to community mental health services."

Section 5 specifies that there should be a minimum of eight and a maximum of fourteen community mental health Regional Support Networks. This section is also included in Section 805 of Engrossed Second Substitute Senate Bill 5763. It is not necessary to include the same language in both bills.

Sections 12 and 13 of Engrossed Second Substitute House Bill No. 1290 require the Department of Social and Health Services (DSHS) to establish new rules and policies. Those rules and policies concern expediting new applications or reinstating Medicaid benefits for persons with mental health disorders discharged from an institutional setting such as jails, state correction facilities, or state hospitals. The 2005-2007 state operating budget passed by the Legislature may not have provided sufficient funding to implement sections 12 and 13. Rather than veto these sections due to insufficient funding, I am directing the DSHS to phase in the new procedures on a statewide basis and continue to evaluate the funding needs as the program is implemented.

For these reasons, I have vetoed Section 5 of Engrossed Second Substitute House Bill No. 1290. With the exception of Section 5, Engrossed Second Substitute House Bill No. 1290 is approved."

CHAPTER 504

[Engrossed Second Substitute Senate Bill 5763]

MENTAL AND SUBSTANCE ABUSE DISORDERS

AN ACT Relating to the omnibus treatment of mental and substance abuse disorders act of 2005; amending RCW 71.05.020, 71.24.025, 10.77.010, 71.05.360, 71.05.420, 71.05.620, 71.05.630, 71.05.640, 71.05.660, 71.05.550, 2.28.170, 71.05.157, 5.60.060, 18.83.110, 18.225.105, 71.05.235, 71.05.310, 71.05.425, 71.05.445, 71.05.640, 71.05.680, and 71.05.690; reenacting and amending RCW 71.05.390 and 71.24.035; adding new sections to chapter 71.05 RCW; adding new sections to chapter 70.96A RCW; adding a new section to chapter 13.34 RCW; adding new sections to chapter 2.28 RCW; adding a new section to chapter 26.12 RCW; adding new sections to chapter 71.24 RCW; adding a new section to chapter 71.02 RCW; adding a new section to chapter 71A.12 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 82.14 RCW; adding new chapters to Title 70 RCW; creating new sections; recodifying RCW 71.05.370 and 71.05.035; repealing RCW 71.05.060, 71.05.070, 71.05.090, 71.05.200, 71.05.250, 71.05.450, 71.05.460, 71.05.470, 71.05.480, 71.05.490, 71.05.155, 71.05.395, 71.05.400, 71.05.410, 71.05.430, 71.05.610, 71.05.650, and 71.05.670; repealing 2005 c ... (E2SHB 1290) s 5; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

**PART I
GENERAL PROVISIONS**

NEW SECTION. Sec. 101. The legislature finds that persons with mental disorders, chemical dependency disorders, or co-occurring mental and substance abuse disorders are disproportionately more likely to be confined in a correctional institution, become homeless, become involved with child protective services or involved in a dependency proceeding, or lose those state and federal benefits to which they may be entitled as a result of their disorders. The legislature finds that prior state policy of addressing mental health and chemical dependency in isolation from each other has not been cost-effective and has often resulted in longer-term, more costly treatment that may be less effective over time. The legislature finds that a substantial number of persons have co-occurring mental and substance abuse disorders and that identification and integrated treatment of co-occurring disorders is critical to successful outcomes and recovery. Consequently, the legislature intends, to the extent of available funding, to:

(1) Establish a process for determining which persons with mental disorders and substance abuse disorders have co-occurring disorders;

(2) Reduce the gap between available chemical dependency treatment and the documented need for treatment;

(3) Improve treatment outcomes by shifting treatment, where possible, to evidence-based, research-based, and consensus-based treatment practices and by removing barriers to the use of those practices;

(4) Expand the authority for and use of therapeutic courts including drug courts, mental health courts, and therapeutic courts for dependency proceedings;

(5) Improve access to treatment for persons who are not enrolled in medicaid by improving and creating consistency in the application processes, and by minimizing the numbers of eligible confined persons who leave confinement without medical assistance;

(6) Improve access to inpatient treatment by creating expanded services facilities for persons needing intensive treatment in a secure setting who do not

need inpatient care, but are unable to access treatment under current licensing restrictions in other settings;

(7) Establish secure detoxification centers for persons involuntarily detained as gravely disabled or presenting a likelihood of serious harm due to chemical dependency and authorize combined crisis responders for both mental disorders and chemical dependency disorders on a pilot basis and study the outcomes;

(8) Slow or stop the loss of inpatient and intensive residential beds and children's long-term inpatient placements and refine the balance of state hospital and community inpatient and residential beds;

(9) Improve cross-system collaboration including collaboration with first responders and hospital emergency rooms, schools, primary care, developmental disabilities, law enforcement and corrections, and federally funded and licensed programs;

(10) Following the receipt of outcomes from the pilot programs in Part II of this act, if directed by future legislative enactment, implement a single, comprehensive, involuntary treatment act with a unified set of standards, rights, obligations, and procedures for adults and children with mental disorders, chemical dependency disorders, and co-occurring disorders; and

(11) Amend existing state law to address organizational and structural barriers to effective use of state funds for treating persons with mental and substance abuse disorders, minimize internal inconsistencies, clarify policy and requirements, and maximize the opportunity for effective and cost-effective outcomes.

NEW SECTION. Sec. 102. (1) The department of social and health services shall explore and report to the appropriate committees of the legislature by December 1, 2005, on the feasibility, costs, benefits, and time frame to access federal medicaid funds for mental health and substance abuse treatment under the following provisions:

(a) The optional clinic provisions;

(b) Children's mental health treatment or co-occurring disorders treatment under the early periodic screening, diagnosis, and treatment provisions.

(2) The department shall provide the appropriate committees of the legislature with a clear and concise explanation of the reasons for reducing state hospital capacity and the differences in costs and benefits of treatment in state and community hospital treatment.

(3) The department may not reduce the capacity of either state hospital until at least an equal number of skilled nursing, residential, expanded services facility, or supported housing placements are available in the community to the persons displaced by the capacity reduction.

Mental Health Treatment

NEW SECTION. Sec. 103. A new section is added to chapter 71.05 RCW to read as follows:

(1) Not later than January 1, 2007, all persons providing treatment under this chapter shall also implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders adopted pursuant to section 601 of this act and shall document the numbers of clients

with co-occurring mental and substance abuse disorders based on a quadrant system of low and high needs.

(2) Treatment providers and regional support networks who fail to implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders by July 1, 2007, shall be subject to contractual penalties established under section 601 of this act.

Sec. 104. RCW 71.05.020 and 2000 c 94 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

~~(6) ("County designated mental health professional" means a mental health professional appointed by the county to perform the duties specified in this chapter;~~

~~(7))~~ "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

~~((8))~~ (7) "Department" means the department of social and health services;

~~((9))~~ (8) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapter 70.96A RCW and sections 202 through 216 of this act;

(9) "Designated crisis responder" means a mental health professional appointed by the county or the regional support network to perform the duties specified in this chapter;

(10) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter;

(11) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

~~((10))~~ (12) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

~~((41))~~ (13) "Developmental disability" means that condition defined in RCW 71A.10.020(3);

~~((42))~~ (14) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

~~((43))~~ (15) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

~~((44))~~ (16) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

~~((45))~~ (17) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the ~~((individual))~~ person being assisted as manifested by prior charged criminal conduct;

~~((46))~~ (18) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

~~((47))~~ (19) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for ~~((an individual))~~ a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

~~((18))~~ (20) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((19))~~ (21) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by ~~((an individual))~~ a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by ~~((an individual))~~ a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by ~~((an individual))~~ a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The ~~((individual))~~ person has threatened the physical safety of another and has a history of one or more violent acts;

~~((20))~~ (22) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on ~~((an individual's))~~ a person's cognitive or volitional functions;

~~((21))~~ (23) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((22))~~ (24) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

~~((23))~~ (25) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital(~~(, or sanitarium)~~), which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

~~((24))~~ (26) "Professional person" means a mental health professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((25))~~ (27) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

~~((26))~~ (28) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((27))~~ (29) "Public agency" means any evaluation and treatment facility or institution, or hospital(~~(, or sanitarium)~~) which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill(~~(, or)~~), if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

~~((28))~~ (30) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness;

(31) "Release" means legal termination of the commitment under the provisions of this chapter;

~~((29))~~ (32) "Resource management services" has the meaning given in chapter 71.24 RCW;

~~((30))~~ (33) "Secretary" means the secretary of the department of social and health services, or his or her designee;

~~((31))~~ (34) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

~~((32))~~ (35) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others;

(36) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

Sec. 105. RCW 71.24.025 and 2001 c 323 s 8 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acutely mentally ill" means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020;

(b) Being gravely disabled as defined in RCW 71.05.020 or, in the case of a child, a gravely disabled minor as defined in RCW 71.34.020; or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 or, in the case of a child, as defined in RCW 71.34.020.

(2) "Available resources" means funds appropriated for the purpose of providing community mental health programs (~~under RCW 71.24.045~~), federal funds, except those provided according to Title XIX of the Social Security Act, and state funds appropriated under this chapter or chapter 71.05 RCW by the legislature during any biennium for the purpose of providing residential services, resource management services, community support services, and other mental health services. This does not include funds appropriated for the purpose of operating and administering the state psychiatric hospitals, except as negotiated according to RCW 71.24.300(1)(e).

(3) "Child" means a person under the age of eighteen years.

(4) "Chronically mentally ill adult" means an adult who has a mental disorder and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years; or

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. "Substantial gainful activity" shall be defined by the department by rule consistent with Public Law 92-603, as amended.

(5) "Community mental health program" means all mental health services, activities, or programs using available resources.

(6) "Community mental health service delivery system" means public or private agencies that provide services specifically to persons with mental disorders as defined under RCW 71.05.020 and receive funding from public sources.

(7) "Community support services" means services authorized, planned, and coordinated through resource management services including, at a minimum, assessment, diagnosis, emergency crisis intervention available twenty-four hours, seven days a week, prescreening determinations for mentally ill persons being considered for placement in nursing homes as required by federal law, screening for patients being considered for admission to residential services, diagnosis and treatment for acutely mentally ill and severely emotionally disturbed children discovered under screening through the federal Title XIX early and periodic screening, diagnosis, and treatment program, investigation, legal, and other nonresidential services under chapter 71.05 RCW, case management services, psychiatric treatment including medication supervision, counseling, psychotherapy, assuring transfer of relevant patient information between service providers, recovery services, and other services determined by regional support networks.

(8) "County authority" means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

(9) "Department" means the department of social and health services.

(10) "Emerging best practice" or "promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

(11) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(12) "Licensed service provider" means an entity licensed according to this chapter or chapter 71.05 RCW or an entity deemed to meet state minimum standards as a result of accreditation by a recognized behavioral health accrediting body recognized and having a current agreement with the department, that meets state minimum standards or ~~((individuals))~~ persons licensed under chapter 18.57, 18.71, 18.83, or 18.79 RCW, as it applies to registered nurses and advanced registered nurse practitioners.

~~((+))~~ (13) "Mental health services" means all services provided by regional support networks and other services provided by the state for the mentally ill.

~~((42))~~ (14) "Mentally ill persons" and "the mentally ill" mean persons and conditions defined in subsections (1), (4), ~~((47))~~ (23), and ~~((48))~~ (24) of this section.

~~((43))~~ (15) "Recovery" means the process in which people are able to live, work, learn, and participate fully in their communities.

(16) "Regional support network" means a county authority or group of county authorities or other entity recognized by the secretary ~~((that enter into joint operating agreements to contract with the secretary pursuant to this chapter))~~ in contract in a defined area.

~~((44))~~ (17) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(18) "Residential services" means a complete range of residences and supports authorized by resource management services and which may involve a facility, a distinct part thereof, or services which support community living, for acutely mentally ill persons, chronically mentally ill adults, severely emotionally disturbed children, or seriously disturbed adults determined by the regional support network to be at risk of becoming acutely or chronically mentally ill. The services shall include at least evaluation and treatment services as defined in chapter 71.05 RCW, acute crisis respite care, long-term adaptive and rehabilitative care, and supervised and supported living services, and shall also include any residential services developed to service mentally ill persons in nursing homes, boarding homes, and adult family homes, and may include outpatient services provided as an element in a package of services in a supported housing model. Residential services for children in out-of-home placements related to their mental disorder shall not include the costs of food and shelter, except for children's long-term residential facilities existing prior to January 1, 1991.

~~((45))~~ (19) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(20) "Resilience" means the personal and community qualities that enable individuals to rebound from adversity, trauma, tragedy, threats, or other stresses, and to live productive lives.

(21) "Resource management services" mean the planning, coordination, and authorization of residential services and community support services administered pursuant to an individual service plan for: (a) Acutely mentally ill adults and children; (b) chronically mentally ill adults; (c) severely emotionally disturbed children; or (d) seriously disturbed adults determined solely by a regional support network to be at risk of becoming acutely or chronically mentally ill. Such planning, coordination, and authorization shall include mental health screening for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment program. Resource management services include seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services and their individual service plan to ~~(county-)~~designated mental health

professionals, evaluation and treatment facilities, and others as determined by the regional support network.

~~((16))~~ (22) "Secretary" means the secretary of social and health services.

~~((17))~~ (23) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or herself or others, or to the property of others, as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status, or under a less restrictive alternative order, at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a child diagnosed by a mental health professional, as defined in chapter 71.34 RCW, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((18))~~ (24) "Severely emotionally disturbed child" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

~~((19))~~ (25) "State minimum standards" means minimum requirements established by rules adopted by the secretary and necessary to implement this chapter for: (a) Delivery of mental health services; (b) licensed service providers for the provision of mental health services; (c) residential services; and (d) community support services and resource management services.

~~((20))~~ (26) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not

include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(27) "Tribal authority," for the purposes of this section and RCW 71.24.300 only, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary insofar as these organizations do not have a financial relationship with any regional support network that would present a conflict of interest.

Sec. 106. RCW 10.77.010 and 2004 c 157 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Admission" means acceptance based on medical necessity, of a person as a patient.

(2) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less-restrictive setting.

(3) "Conditional release" means modification of a court-ordered commitment, which may be revoked upon violation of any of its terms.

(4) (~~"County designated mental health professional" has the same meaning as provided in RCW 71.05.020.~~

~~(5))~~ A "criminally insane" person means any person who has been acquitted of a crime charged by reason of insanity, and thereupon found to be a substantial danger to other persons or to present a substantial likelihood of committing criminal acts jeopardizing public safety or security unless kept under further control by the court or other persons or institutions.

~~((6))~~ (5) "Department" means the state department of social and health services.

(6) "Designated mental health professional" has the same meaning as provided in RCW 71.05.020.

(7) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter, pending evaluation.

(8) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist or psychologist, or a social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(9) "Developmental disability" means the condition as defined in RCW 71A.10.020(3).

(10) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order.

(11) "Furlough" means an authorized leave of absence for a resident of a state institution operated by the department designated for the custody, care, and treatment of the criminally insane, consistent with an order of conditional release from the court under this chapter, without any requirement that the resident be accompanied by, or be in the custody of, any law enforcement or institutional staff, while on such unescorted leave.

(12) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative

services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the ((individual)) person being assisted as manifested by prior charged criminal conduct.

(13) "History of one or more violent acts" means violent acts committed during: (a) The ten-year period of time prior to the filing of criminal charges; plus (b) the amount of time equal to time spent during the ten-year period in a mental health facility or in confinement as a result of a criminal conviction.

(14) "Incompetency" means a person lacks the capacity to understand the nature of the proceedings against him or her or to assist in his or her own defense as a result of mental disease or defect.

(15) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to the person or his or her family.

(16) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for an individual with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual release, and a projected possible date for release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences.

(17) "Professional person" means:

(a) A psychiatrist licensed as a physician and surgeon in this state who has, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology or the American osteopathic board of neurology and psychiatry;

(b) A psychologist licensed as a psychologist pursuant to chapter 18.83 RCW; or

(c) A social worker with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(18) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(19) "Release" means legal termination of the court-ordered commitment under the provisions of this chapter.

~~((19))~~ (20) "Secretary" means the secretary of the department of social and health services or his or her designee.

~~((20))~~ (21) "Treatment" means any currently standardized medical or mental health procedure including medication.

~~((21))~~ (22) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(23) "Violent act" means behavior that: (a)(i) Resulted in; (ii) if completed as intended would have resulted in; or (iii) was threatened to be carried out by a person who had the intent and opportunity to carry out the threat and would have resulted in, homicide, nonfatal injuries, or substantial damage to property; or (b) recklessly creates an immediate risk of serious physical injury to another person. As used in this subsection, "nonfatal injuries" means physical pain or injury, illness, or an impairment of physical condition. "Nonfatal injuries" shall be construed to be consistent with the definition of "bodily injury," as defined in RCW 9A.04.110.

Sec. 107. RCW 71.05.360 and 1997 c 112 s 30 are each amended to read as follows:

(1)(a) Every person involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, which shall be prominently posted in the facility, and shall retain all rights not denied him or her under this chapter except as chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed pistol license.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder, under this chapter or any prior laws of this state dealing with mental illness. Competency shall not be determined or withdrawn except under the provisions of chapter 10.97 or 11.88 RCW.

(c) Any person who leaves a public or private agency following evaluation or treatment for mental disorder shall be given a written statement setting forth the substance of this section.

(2) Each person involuntarily detained or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician or other professional person qualified to provide such services.

(5) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both the person and, if possible, a responsible member of his or her immediate family, personal representative, guardian, or conservator, if any,

shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the evaluation and treatment facility where the person is detained that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) A judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that the person is a person whose mental disorder presents a likelihood of serious harm or that the person is gravely disabled;

(b) The person has a right to communicate immediately with an attorney; has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and has the right to be told the name and address of the attorney that the mental health professional has designated pursuant to this chapter;

(c) The person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) The person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) The person has the right to refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) When proceedings are initiated under RCW 71.05.150 (2), (3), or (4)(b), no later than twelve hours after such person is admitted to the evaluation and treatment facility the personnel of the evaluation and treatment facility or the designated mental health professional shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on the designated attorney.

(7) The judicial hearing described in subsection (5) of this section is hereby authorized, and shall be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(8) At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

(a) To present evidence on his or her behalf;

(b) To cross-examine witnesses who testify against him or her;

(c) To be proceeded against by the rules of evidence;

(d) To remain silent;

(e) To view and copy all petitions and reports in the court file.

(9) The physician-patient privilege or the psychologist-client privilege shall be deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a

proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(10) Insofar as danger to the person or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To discuss treatment plans and decisions with professional persons;

(h) Not to consent to the administration of antipsychotic medications and not to thereafter be administered antipsychotic medications unless ordered by a court under RCW 71.05.370 (as recodified by this act) or pursuant to an administrative hearing under RCW 71.05.215;

(i) Not to consent to the performance of electroconvulsant therapy or surgery, except emergency life-saving surgery, unless ordered by a court under RCW 71.05.370 (as recodified by this act);

(j) Not to have psychosurgery performed on him or her under any circumstances;

(k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.

(11) Every person involuntarily detained shall immediately be informed of his or her right to a hearing to review the legality of his or her detention and of his or her right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his or her designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him or her.

(12) A person challenging his or her detention or his or her attorney, shall have the right to designate and have the court appoint a reasonably available independent physician or licensed mental health professional to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he or she is financially able, bear the cost of

such expert information, otherwise such expert examination shall be at public expense.

(13) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

(14) Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974, from exercising a right available to him or her at or prior to January 1, 1974, for obtaining release from confinement.

(15) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

NEW SECTION. Sec. 108. RCW 71.05.370 is recodified as a new section in chapter 71.05 RCW to be codified in proximity to RCW 71.05.215.

Sec. 109. RCW 71.05.390 and 2004 c 166 s 6, 2004 c 157 s 5, and 2004 c 33 s 2 are each reenacted and amended to read as follows:

Except as provided in this section, RCW 71.05.445, 71.05.630, 70.96A.150, or pursuant to a valid release under RCW 70.02.030, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the ~~((patient))~~ person, or his or her personal representative or guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person:

- (a) Employed by the facility;
- (b) Who has medical responsibility for the patient's care;
- (c) Who is a ~~((county))~~ designated mental health professional;
- (d) Who is providing services under chapter 71.24 RCW;
- (e) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (f) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing ~~((outpatient))~~ services to the operator of a ~~((care))~~ facility in which the patient resides or will reside.

(3)(a) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(b) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(i) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(ii) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such

information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Such other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5)(a) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(b) Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(6)(a) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(b) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(c) Disclosure under this subsection is mandatory for the purpose of the health insurance portability and accountability act.

(7)(a) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation under RCW 71.05.150, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. Such written report shall be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(b) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody

or supervision of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

~~((a))~~ (i) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request;

~~((b))~~ (ii) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter;

~~((c))~~ (iii) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence;

~~((d))~~ (iv) Information and records shall be disclosed to the department of corrections pursuant to and in compliance with the provisions of RCW 71.05.445 for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community; and

~~((e))~~ (v) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(2)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) ~~(To a patient's next of kin, guardian, or conservator, if any, in the event of death, as provided in RCW 71.05.400.)~~ Upon the death of a person, his or her next of kin, personal representative, guardian, or conservator, if any, shall be notified.

Next of kin who are of legal age and competent shall be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient shall be governed by RCW 70.02.140.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.17 RCW.

(16) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient.

(17) When a patient would otherwise be subject to the provisions of RCW 71.05.390 and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of such disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician in charge of the patient or the professional person in charge of the facility, or his or her professional designee.

Except as otherwise provided in this chapter, the uniform health care information act, chapter 70.02 RCW, applies to all records and information compiled, obtained, or maintained in the course of providing services.

(18) The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(2)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial ((or)), in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files

maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 110. RCW 71.05.420 and 1990 c 3 s 113 are each amended to read as follows:

Except as provided in RCW 71.05.425, when any disclosure of information or records is made as authorized by RCW 71.05.390 (~~through 71.05.410~~), the physician in charge of the patient or the professional person in charge of the facility shall promptly cause to be entered into the patient's medical record the date and circumstances under which said disclosure was made, the names and relationships to the patient, if any, of the persons or agencies to whom such disclosure was made, and the information disclosed.

Sec. 111. RCW 71.05.620 and 1989 c 205 s 12 are each amended to read as follows:

~~((1) Informed consent for disclosure of information from court or treatment records to an individual, agency, or organization must be in writing and must contain the following information:~~

~~(a) The name of the individual, agency, or organization to which the disclosure is to be made;~~

~~(b) The name of the individual whose treatment record is being disclosed;~~

~~(c) The purpose or need for the disclosure;~~

~~(d) The specific type of information to be disclosed;~~

~~(e) The time period during which the consent is effective;~~

~~(f) The date on which the consent is signed; and~~

~~(g) The signature of the individual or person legally authorized to give consent for the individual.~~

~~((2))~~ The files and records of court proceedings under this chapter and chapters ((71.05)) 70.96A, 71.34, and 70.— (sections 202 through 216 of this act) RCW shall be closed but shall be accessible to any ~~((individual))~~ person who is the subject of a petition and to the ~~((individual's))~~ person's attorney, guardian ad litem, resource management services, or service providers authorized to receive such information by resource management services.

Sec. 112. RCW 71.05.630 and 2000 c 75 s 5 are each amended to read as follows:

(1) Except as otherwise provided by law, all treatment records shall remain confidential (~~—Treatment records~~) and may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of ~~((an individual))~~ a person may be released without informed written consent in the following circumstances:

(a) To ~~((an individual))~~ a person, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the ~~((individual))~~ person whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to ~~((individuals))~~ persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of ~~((individuals))~~ persons who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the ~~((individual))~~ person is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive ~~((an individual))~~ a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the ~~((individual))~~ person from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of ~~((an individual))~~ a person who is receiving inpatient or outpatient evaluation or treatment. Except as provided in RCW 71.05.445 and 71.34.225, release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When ~~((an individual))~~ a person is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the ~~((individual's))~~ person's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only.

(k) To the (~~(individual's)~~) person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

(l) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental (~~(illness)~~) disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for (~~(alcoholism or drug)~~) chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

Sec. 113. RCW 71.05.640 and 2000 c 94 s 11 are each amended to read as follows:

(1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the (~~(individual)~~) person.

(2) Following discharge, the (~~(individual)~~) person shall have a right to a complete record of all medications and somatic treatments prescribed during evaluation, admission, or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all (~~(individuals)~~) persons shall be informed by resource management services of their rights as provided in RCW (~~(71.05.640)~~) 71.05.390 and 71.05.620 through 71.05.690.

Sec. 114. RCW 71.05.660 and 1989 c 205 s 16 are each amended to read as follows:

Nothing in this chapter (~~(205, Laws of 1989)~~) or chapter 70.96A, 71.05, 71.34, or 70.— (sections 202 through 216 of this act) RCW shall be construed to

interfere with communications between physicians or psychologists and patients and attorneys and clients.

NEW SECTION. Sec. 115. A new section is added to chapter 71.05 RCW to read as follows:

A petition for commitment under this chapter may be joined with a petition for commitment under chapter 70.96A RCW.

PART II PILOT PROGRAMS

NEW SECTION. Sec. 201. Sections 202 through 216 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 202. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician that a person should be examined or treated as a patient in a hospital, an evaluation and treatment facility, or other inpatient facility, or a decision by a professional person in charge or his or her designee that a person should be detained as a patient for evaluation and treatment in a secure detoxification facility or other certified chemical dependency provider.

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(3) "Approved treatment program" means a discrete program of chemical dependency treatment provided by a treatment program certified by the department as meeting standards adopted under chapter 70.96A RCW.

(4) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(5) "Chemical dependency" means:

- (a) Alcoholism;
- (b) Drug addiction; or
- (c) Dependence on alcohol and one or more other psychoactive chemicals, as the context requires.

(6) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(7) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(8) "Conditional release" means a revocable modification of a commitment that may be revoked upon violation of any of its terms.

(9) "Custody" means involuntary detention under either chapter 71.05 or 70.96A RCW or this chapter, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(10) "Department" means the department of social and health services.

(11) "Designated chemical dependency specialist" or "specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment

duties described in RCW 70.96A.140 and this chapter, and qualified to do so by meeting standards adopted by the department.

(12) "Designated crisis responder" means a person designated by the county or regional support network to perform the duties specified in this chapter.

(13) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter.

(14) "Detention" or "detain" means the lawful confinement of a person under this chapter, or chapter 70.96A or 71.05 RCW.

(15) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with individuals with developmental disabilities and is a psychiatrist, psychologist, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary.

(16) "Developmental disability" means that condition defined in RCW 71A.10.020.

(17) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(18) "Evaluation and treatment facility" means any facility that can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and that is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility that is part of, or operated by, the department or any federal agency does not require certification. No correctional institution or facility, or jail, may be an evaluation and treatment facility within the meaning of this chapter.

(19) "Facility" means either an evaluation and treatment facility or a secure detoxification facility.

(20) "Gravely disabled" means a condition in which a person, as a result of a mental disorder, or as a result of the use of alcohol or other psychoactive chemicals:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(21) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(22) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of alcohol or other psychoactive chemicals.

(23) "Judicial commitment" means a commitment by a court under this chapter.

(24) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(25) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by a person upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by a person upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts.

(26) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on a person's cognitive or volitional functions.

(27) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(28) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment.

(29) "Person in charge" means a physician or chemical dependency counselor as defined in rule by the department, who is empowered by a certified treatment program with authority to make assessment, admission, continuing care, and discharge decisions on behalf of the certified program.

(30) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, that constitutes an evaluation and treatment facility or private institution, or hospital, or approved treatment program, that is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill and/or chemically dependent.

(31) "Professional person" means a mental health professional or chemical dependency professional and shall also mean a physician, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter.

(32) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(33) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(34) "Public agency" means any evaluation and treatment facility or institution, or hospital, or approved treatment program that is conducted for, or includes a department or ward conducted for, the care and treatment of persons

who are mentally ill and/or chemically dependent, if the agency is operated directly by federal, state, county, or municipal government, or a combination of such governments.

(35) "Registration records" means all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness.

(36) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW or this chapter.

(37) "Secretary" means the secretary of the department or the secretary's designee.

(38) "Secure detoxification facility" means a facility operated by either a public or private agency or by the program of an agency that serves the purpose of providing evaluation and assessment, and acute and/or subacute detoxification services for intoxicated persons and includes security measures sufficient to protect the patients, staff, and community.

(39) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(40) "Treatment records" means registration records and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(41) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

NEW SECTION. Sec. 203. (1) The secretary, after consulting with the Washington state association of counties, shall select and contract with regional support networks or counties to provide two integrated crisis response and involuntary treatment pilot programs for adults and shall allocate resources for both integrated services and secure detoxification services in the pilot areas. In selecting the two regional support networks or counties, the secretary shall endeavor to site one in an urban and one in a rural regional support network or county; and to site them in counties other than those selected pursuant to section 220 of this act, to the extent necessary to facilitate evaluation of pilot project results.

(2) The regional support networks or counties shall implement the pilot programs by providing integrated crisis response and involuntary treatment to persons with a chemical dependency, a mental disorder, or both, consistent with this chapter. The pilot programs shall:

(a) Combine the crisis responder functions of a designated mental health professional under chapter 71.05 RCW and a designated chemical dependency specialist under chapter 70.96A RCW by establishing a new designated crisis responder who is authorized to conduct investigations and detain persons up to seventy-two hours to the proper facility;

(b) Provide training to the crisis responders as required by the department;

(c) Provide sufficient staff and resources to ensure availability of an adequate number of crisis responders twenty-four hours a day, seven days a week;

(d) Provide the administrative and court-related staff, resources, and processes necessary to facilitate the legal requirements of the initial detention and the commitment hearings for persons with a chemical dependency;

(e) Participate in the evaluation and report to assess the outcomes of the pilot programs including providing data and information as requested;

(f) Provide the other services necessary to the implementation of the pilot programs, consistent with this chapter as determined by the secretary in contract; and

(g) Collaborate with the department of corrections where persons detained or committed are also subject to supervision by the department of corrections.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

NEW SECTION. Sec. 204. To qualify as a designated crisis responder, a person must have received chemical dependency training as determined by the department and be a:

(1) Psychiatrist, psychologist, psychiatric nurse, or social worker;

(2) Person with a master's degree or further advanced degree in counseling or one of the social sciences from an accredited college or university and who have, in addition, at least two years of experience in direct treatment of persons with mental illness or emotional disturbance, such experience gained under the direction of a mental health professional;

(3) Person who meets the waiver criteria of RCW 71.24.260, which waiver was granted before 1986;

(4) Person who had an approved waiver to perform the duties of a mental health professional that was requested by the regional support network and granted by the department before July 1, 2001; or

(5) Person who has been granted a time-limited exception of the minimum requirements of a mental health professional by the department consistent with rules adopted by the secretary.

NEW SECTION. Sec. 205. In addition to the provisions of this chapter, a designated crisis responder has all the powers and duties of a designated mental health professional as well as the powers and duties of a designated chemical dependency specialist under RCW 70.96A.120.

NEW SECTION. Sec. 206. (1)(a) When a designated crisis responder receives information alleging that a person, as a result of a mental disorder, chemical dependency disorder, or both, presents a likelihood of serious harm or is gravely disabled, the designated crisis responder may, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of any person providing information to initiate detention, if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention. Before filing the petition, the designated crisis responder must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at either an evaluation and

treatment facility, a detoxification facility, or other certified chemical dependency provider.

(b)(i)(A) Whenever it appears, by petition for initial detention, to the satisfaction of a judge of the superior court that a person presents as a result of a mental disorder, a likelihood of serious harm, or is gravely disabled, and that the person has refused or failed to accept appropriate evaluation and treatment voluntarily, the judge may issue an order requiring the person to appear within twenty-four hours after service of the order at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period; or

(B) Whenever it appears, by petition for initial detention, to the satisfaction of a judge of the superior court, district court, or other court permitted by court rule, that a person presents as a result of a chemical dependency, a likelihood of serious harm, or is gravely disabled, and that the person has refused or failed to accept appropriate evaluation and treatment voluntarily, the judge may issue an order requiring the person to appear within twenty-four hours after service of the order at a secure detoxification facility or other certified chemical dependency provider for not more than a seventy-two hour evaluation and treatment period.

(ii) The order issued under this subsection (1)(b) shall state the address of the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider to which the person is to report; whether the required seventy-two hour evaluation and treatment services may be delivered on an outpatient or inpatient basis; and that if the person named in the order fails to appear at the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider at or before the date and time stated in the order, the person may be involuntarily taken into custody for evaluation and treatment. The order shall also designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(c) The designated crisis responder shall then serve or cause to be served on such person, his or her guardian, and conservator, if any, a copy of the order to appear, together with a notice of rights and a petition for initial detention. After service on the person, the designated crisis responder shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility or secure detoxification facility and the designated attorney. The designated crisis responder shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time of outpatient evaluation or admission to the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider. The person shall be permitted to remain in his or her home or other place of his or her choosing before the time of evaluation and shall be permitted to be accompanied by one or more of his or her relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other person accompanying the person may be present during the admission evaluation. The facility may exclude the person if his or her

presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(d) If the person ordered to appear does appear on or before the date and time specified, the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider may admit the person as required by subsection (3) of this section or may provide treatment on an outpatient basis. If the person ordered to appear fails to appear on or before the date and time specified, the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider shall immediately notify the designated crisis responder who may notify a peace officer to take the person or cause the person to be taken into custody and placed in an evaluation and treatment facility, a secure detoxification facility, or other certified chemical dependency provider. Should the designated crisis responder notify a peace officer authorizing the officer to take a person into custody under this subsection, the designated crisis responder shall file with the court a copy of the authorization and a notice of detention. At the time the person is taken into custody there shall commence to be served on the person, his or her guardian, and conservator, if any, a copy of the original order together with a notice of detention, a notice of rights, and a petition for initial detention.

(2) If a designated crisis responder receives information alleging that a person, as the result of:

(a) A mental disorder, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in this chapter; or

(b) Chemical dependency, presents an imminent likelihood of serious harm, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the designated crisis responder may take the person, or cause by oral or written order the person to be taken into emergency custody in a secure detoxification facility for not more than seventy-two hours as described in this chapter.

(3) If the designated crisis responder petitions for detention of a person whose actions constitute a likelihood of serious harm, or who is gravely disabled, the evaluation and treatment facility, the secure detoxification facility, or other certified chemical dependency provider providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. The evaluation and treatment facility, the secure detoxification facility, or other certified chemical dependency provider shall then evaluate the person's condition and admit, detain, transfer, or discharge such person in accordance with this chapter. The facility shall notify in writing the court and the designated crisis responder of the date and time of the initial detention of each person involuntarily detained so that a probable cause hearing will be held no later than seventy-two hours after detention.

(4) A peace officer may, without prior notice of the proceedings provided for in subsection (1) of this section, take or cause the person to be taken into

custody and immediately delivered to an evaluation and treatment facility, secure detoxification facility, other certified chemical dependency treatment provider only pursuant to subsections (1)(d) and (2) of this section.

(5) Nothing in this chapter limits the power of a peace officer to take a person into custody and immediately deliver the person to the emergency department of a local hospital or to a detoxification facility.

NEW SECTION. Sec. 207. (1) A person or public or private entity employing a person is not civilly or criminally liable for performing duties under this chapter if the duties were performed in good faith and without gross negligence.

(2) This section does not relieve a person from giving the required notices under RCW 71.05.330(2) or 71.05.340(1)(b), or the duty to warn or to take reasonable precautions to provide protection from violent behavior where the patient has communicated an actual threat of physical violence against a reasonably identifiable victim or victims. The duty to warn or to take reasonable precautions to provide protection from violent behavior is discharged if reasonable efforts are made to communicate the threat to the victim or victims and to law enforcement personnel.

NEW SECTION. Sec. 208. If the evaluation and treatment facility, secure detoxification facility, or other certified chemical dependency provider admits the person, it may detain the person for evaluation and treatment for a period not to exceed seventy-two hours from the time of acceptance. The computation of the seventy-two hour period excludes Saturdays, Sundays, and holidays.

NEW SECTION. Sec. 209. Whenever any person is detained for evaluation and treatment for a mental disorder under section 206 of this act, chapter 71.05 RCW applies.

NEW SECTION. Sec. 210. (1) A person detained for seventy-two hour evaluation and treatment under section 206 of this act or RCW 70.96A.120 may be detained for not more than fourteen additional days of involuntary chemical dependency treatment if there are beds available at the secure detoxification facility and the following conditions are met:

(a) The professional person in charge of the agency or facility or the person's designee providing evaluation and treatment services in a secure detoxification facility has assessed the person's condition and finds that the condition is caused by chemical dependency and either results in a likelihood of serious harm or in the detained person being gravely disabled, and the professional person or his or her designee is prepared to testify those conditions are met;

(b) The person has been advised of the need for voluntary treatment and the professional person in charge of the agency or facility or his or her designee has evidence that he or she has not in good faith volunteered for treatment; and

(c) The professional person in charge of the agency or facility or the person's designee has filed a petition for fourteen-day involuntary detention with the superior court, district court, or other court permitted by court rule. The petition must be signed by the chemical dependency professional who has examined the person.

(2) The petition under subsection (1)(c) of this section shall be accompanied by a certificate of a licensed physician who has examined the person, unless the

person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the licensed physician's findings in support of the allegations of the petition. A physician employed by the petitioning program or the department is eligible to be the certifying physician.

(3) The petition shall state facts that support the finding that the person, as a result of chemical dependency, presents a likelihood of serious harm or is gravely disabled, and that there are no less restrictive alternatives to detention in the best interest of the person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate.

(4) A copy of the petition shall be served on the detained person, his or her attorney, and his or her guardian or conservator, if any, before the probable cause hearing.

(5)(a) The court shall inform the person whose commitment is sought of his or her right to contest the petition, be represented by counsel at every stage of any proceedings relating to his or her commitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall appoint a reasonably available licensed physician designated by the person.

(b) At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that the person, as the result of chemical dependency, presents a likelihood of serious harm or is gravely disabled and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interest of such person or others, the court shall order that the person be detained for involuntary chemical dependency treatment not to exceed fourteen days in a secure detoxification facility.

NEW SECTION. Sec. 211. If a person is detained for additional treatment beyond fourteen days under section 210 of this act, the professional staff of the agency or facility may petition for additional treatment under RCW 70.96A.140.

NEW SECTION. Sec. 212. The prosecuting attorney of the county in which an action under this chapter is taken must represent the petitioner in judicial proceedings under this chapter for the involuntary chemical dependency treatment of a person, including any judicial proceeding where the person sought to be treated for chemical dependency challenges the action.

NEW SECTION. Sec. 213. (1) Every person involuntarily detained or committed under this chapter as a result of a mental disorder is entitled to all the rights set forth in this chapter and in chapter 71.05 RCW, and retains all rights not denied him or her under this chapter or chapter 71.05 RCW.

(2) Every person involuntarily detained or committed under this chapter as a result of a chemical dependency is entitled to all the rights set forth in this chapter and chapter 70.96A RCW, and retains all rights not denied him or her under this chapter or chapter 70.96A RCW.

NEW SECTION. Sec. 214. (1) When a designated crisis responder is notified by a jail that a defendant or offender who was subject to a discharge review under RCW 71.05.232 is to be released to the community, the designated crisis responder shall evaluate the person within seventy-two hours of release.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the designated crisis responder of the violation and request an evaluation for purposes of revocation of the less restrictive alternative.

(3) When a designated crisis responder becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision that relates to public safety, or the designated crisis responder detains a person under this chapter, the designated crisis responder shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or designated crisis responder to provide offender supervision.

NEW SECTION. Sec. 215. The secretary may adopt rules to implement this chapter.

NEW SECTION. Sec. 216. The provisions of RCW 71.05.550 apply to this chapter.

NEW SECTION. Sec. 217. (1) The Washington state institute for public policy shall evaluate the pilot programs and make a preliminary report to appropriate committees of the legislature by December 1, 2007, and a final report by September 30, 2008.

(2) The evaluation of the pilot programs shall include:

(a) Whether the designated crisis responder pilot program:

(i) Has increased efficiency of evaluation and treatment of persons involuntarily detained for seventy-two hours;

(ii) Is cost-effective;

(iii) Results in better outcomes for persons involuntarily detained;

(iv) Increased the effectiveness of the crisis response system in the pilot catchment areas;

(b) The effectiveness of providing a single chapter in the Revised Code of Washington to address initial detention of persons with mental disorders or

chemical dependency, in crisis response situations and the likelihood of effectiveness of providing a single, comprehensive involuntary treatment act.

(3) The reports shall consider the impact of the pilot programs on the existing mental health system and on the persons served by the system.

Sec. 218. RCW 71.05.550 and 1973 1st ex.s. c 142 s 60 are each amended to read as follows:

The department of social and health services, in planning and providing funding to counties pursuant to chapter 71.24 RCW, shall recognize the financial necessities imposed upon counties by implementation of this chapter and chapter 70.— RCW (sections 202 through 216 of this act), and shall consider needs, if any, for additional community mental health services and facilities and reduction in commitments to state hospitals for the mentally ill accomplished by individual counties, in planning and providing such funding. The state shall provide financial assistance to the counties to enable the counties to meet all increased costs, if any, to the counties resulting from their administration of the provisions of chapter 142, Laws of 1973 1st ex. sess.

NEW SECTION. **Sec. 219.** Sections 202 through 216 of this act expire July 1, 2008.

NEW SECTION. **Sec. 220.** A new section is added to chapter 70.96A RCW to read as follows:

(1) The secretary shall select and contract with counties to provide intensive case management for chemically dependent persons with histories of high utilization of crisis services at two sites. In selecting the two sites, the secretary shall endeavor to site one in an urban county, and one in a rural county; and to site them in counties other than those selected pursuant to section 203 of this act, to the extent necessary to facilitate evaluation of pilot project results.

(2) The contracted sites shall implement the pilot programs by providing intensive case management to persons with a primary chemical dependency diagnosis or dual primary chemical dependency and mental health diagnoses, through the employment of chemical dependency case managers. The chemical dependency case managers shall:

(a) Be trained in and use the integrated, comprehensive screening and assessment process adopted under section 601 of this act;

(b) Reduce the use of crisis medical, chemical dependency and mental health services, including but not limited to, emergency room admissions, hospitalizations, detoxification programs, inpatient psychiatric admissions, involuntary treatment petitions, emergency medical services, and ambulance services;

(c) Reduce the use of emergency first responder services including police, fire, emergency medical, and ambulance services;

(d) Reduce the number of criminal justice interventions including arrests, violations of conditions of supervision, bookings, jail days, prison sanction day for violations, court appearances, and prosecutor and defense costs;

(e) Where appropriate and available, work with therapeutic courts including drug courts and mental health courts to maximize the outcomes for the individual and reduce the likelihood of reoffense;

(f) Coordinate with local offices of the economic services administration to assist the person in accessing and remaining enrolled in those programs to which the person may be entitled;

(g) Where appropriate and available, coordinate with primary care and other programs operated through the federal government including federally qualified health centers, Indian health programs, and veterans' health programs for which the person is eligible to reduce duplication of services and conflicts in case approach;

(h) Where appropriate, advocate for the client's needs to assist the person in achieving and maintaining stability and progress toward recovery;

(i) Document the numbers of persons with co-occurring mental and substance abuse disorders and the point of determination of the co-occurring disorder by quadrant of intensity of need; and

(j) Where a program participant is under supervision by the department of corrections, collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The pilot programs established by this section shall begin providing services by March 1, 2006.

(4) This section expires June 30, 2008.

PART III TREATMENT GAP

NEW SECTION. Sec. 301. A new section is added to chapter 70.96A RCW to read as follows:

(1) The division of alcohol and substance abuse shall increase its capacity to serve adults who meet chemical dependency treatment criteria and who are enrolled in medicaid as follows:

(a) In fiscal year 2006, the division of alcohol and substance abuse shall serve forty percent of the calculated need; and

(b) In fiscal year 2007, the division of alcohol and substance abuse shall serve sixty percent of the calculated need.

(2) The division of alcohol and substance abuse shall increase its capacity to serve minors who have passed their twelfth birthday and who are not yet eighteen, who are under two hundred percent of the federal poverty level as follows:

(a) In fiscal year 2006, the division of alcohol and substance abuse shall serve forty percent of the calculated need; and

(b) In fiscal year 2007, the division of alcohol and substance abuse shall serve sixty percent of the calculated need.

(3) For purposes of this section, "calculated need" means the percentage of the population under two hundred percent of the federal poverty level in need of chemical dependency services as determined in the 2003 Washington state needs assessment study.

NEW SECTION. Sec. 302. A new section is added to chapter 70.96A RCW to read as follows:

(1) Not later than January 1, 2007, all persons providing treatment under this chapter shall also implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders adopted

pursuant to section 601 of this act and shall document the numbers of clients with co-occurring mental and substance abuse disorders based on a quadrant system of low and high needs.

(2) Treatment providers contracted to provide treatment under this chapter who fail to implement the integrated comprehensive screening and assessment process for chemical dependency and mental disorders by July 1, 2007, are subject to contractual penalties established under section 601 of this act.

NEW SECTION. Sec. 303. A new section is added to chapter 13.34 RCW to read as follows:

The department of social and health services and the department of health shall develop and expand comprehensive services for drug-affected and alcohol-affected mothers and infants. Subject to funds appropriated for this purpose, the expansion shall be in evidence-based, research-based, or consensus-based practices, as those terms are defined in section 603 of this act, and shall expand capacity in underserved regions of the state.

NEW SECTION. Sec. 304. A new section is added to chapter 70.96A RCW to read as follows:

A petition for commitment under this chapter may be joined with a petition for commitment under chapter 71.05 RCW.

NEW SECTION. Sec. 305. A new section is added to chapter 70.96A RCW to read as follows:

(1) The department of social and health services shall contract for chemical dependency specialist services at each division of children and family services office to enhance the timeliness and quality of child protective services assessments and to better connect families to needed treatment services.

(2) The chemical dependency specialist's duties may include, but are not limited to: Conducting on-site chemical dependency screening and assessment, facilitating progress reports to department social workers, in-service training of department social workers and staff on substance abuse issues, referring clients from the department to treatment providers, and providing consultation on cases to department social workers.

(3) The department of social and health services shall provide training in and ensure that each case-carrying social worker is trained in uniform screening for mental health and chemical dependency.

PART IV RESOURCES

NEW SECTION. Sec. 401. Sections 402 through 425 of this act constitute a new chapter in Title 70 RCW.

****NEW SECTION. Sec. 402. The legislature finds that there are persons with mental disorders, including organic or traumatic brain disorders, and combinations of mental disorders with other medical conditions or behavior histories that result in behavioral and security issues that make these persons ineligible for, or unsuccessful in, existing types of licensed facilities, including adult residential rehabilitation centers, boarding homes, adult family homes, group homes, and skilled nursing facilities. The legislature also finds that many of these persons have been treated on repeated occasions in***

inappropriate acute care facilities and released without an appropriate placement or have been treated or detained for extended periods in inappropriate settings including state hospitals and correctional facilities. The legislature further finds that some of these persons present complex safety and treatment issues that require security measures that cannot be instituted under most facility licenses or supported housing programs. These include the ability to detain persons under involuntary treatment orders or administer court ordered medications.

Consequently, the legislature intends, to the extent of available funds, to establish a new type of facility licensed by the department of social and health services as an enhanced services facility with standards that will provide a safe, secure treatment environment for a limited population of persons who are not appropriately served in other facilities or programs. The legislature also finds that enhanced services facilities may need to specialize in order to effectively care for a particular segment of the identified population.

An enhanced services facility may only serve individuals that meet the criteria specified in section 405 of this act.

*Sec. 402 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 403. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes but is not limited to atypical antipsychotic medications.

(2) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient.

(3) "Chemical dependency" means alcoholism, drug addiction, or dependence on alcohol and one or more other psychoactive chemicals, as the context requires and as those terms are defined in chapter 70.96A RCW.

(4) "Chemical dependency professional" means a person certified as a chemical dependency professional by the department of health under chapter 18.205 RCW.

(5) "Commitment" means the determination by a court that an individual should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting.

(6) "Conditional release" means a modification of a commitment that may be revoked upon violation of any of its terms.

(7) "Custody" means involuntary detention under chapter 71.05 or 70.96A RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment.

(8) "Department" means the department of social and health services.

(9) "Designated responder" means a designated mental health professional, a designated chemical dependency specialist, or a designated crisis responder as those terms are defined in chapter 70.96A, 71.05, or 70.— (sections 202 through 216 of this act) RCW.

(10) "Detention" or "detain" means the lawful confinement of an individual under chapter 70.96A or 71.05 RCW.

(11) "Discharge" means the termination of facility authority. The commitment may remain in place, be terminated, or be amended by court order.

(12) "Enhanced services facility" means a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the department to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues.

(13) "Expanded community services program" means a nonsecure program of enhanced behavioral and residential support provided to long-term and residential care providers serving specifically eligible clients who would otherwise be at risk for hospitalization at state hospital geriatric units.

(14) "Facility" means an enhanced services facility.

(15) "Gravely disabled" means a condition in which an individual, as a result of a mental disorder, as a result of the use of alcohol or other psychoactive chemicals, or both:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(16) "History of one or more violent acts" refers to the period of time ten years before the filing of a petition under this chapter, or chapter 70.96A or 71.05 RCW, excluding any time spent, but not any violent acts committed, in a mental health facility or a long-term alcoholism or drug treatment facility, or in confinement as a result of a criminal conviction.

(17) "Licensed physician" means a person licensed to practice medicine or osteopathic medicine and surgery in the state of Washington.

(18) "Likelihood of serious harm" means:

(a) A substantial risk that:

(i) Physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(ii) Physical harm will be inflicted by an individual upon another, as evidenced by behavior that has caused such harm or that places another person or persons in reasonable fear of sustaining such harm; or

(iii) Physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior that has caused substantial loss or damage to the property of others; or

(b) The individual has threatened the physical safety of another and has a history of one or more violent acts.

(19) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on an individual's cognitive or volitional functions.

(20) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under the authority of chapter 71.05 RCW.

(21) "Professional person" means a mental health professional and also means a physician, registered nurse, and such others as may be defined in rules adopted by the secretary pursuant to the provisions of this chapter.

(22) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology.

(23) "Psychologist" means a person who has been licensed as a psychologist under chapter 18.83 RCW.

(24) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify individuals who are receiving or who at any time have received services for mental illness.

(25) "Release" means legal termination of the commitment under chapter 70.96A or 71.05 RCW.

(26) "Resident" means a person admitted to an enhanced services facility.

(27) "Secretary" means the secretary of the department or the secretary's designee.

(28) "Significant change" means:

(a) A deterioration in a resident's physical, mental, or psychosocial condition that has caused or is likely to cause clinical complications or life-threatening conditions; or

(b) An improvement in the resident's physical, mental, or psychosocial condition that may make the resident eligible for release or for treatment in a less intensive or less secure setting.

(29) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary.

(30) "Treatment" means the broad range of emergency, detoxification, residential, inpatient, and outpatient services and care, including diagnostic evaluation, mental health or chemical dependency education and counseling, medical, psychiatric, psychological, and social service care, vocational rehabilitation, and career counseling, which may be extended to persons with mental disorders, chemical dependency disorders, or both, and their families.

(31) "Treatment records" include registration and all other records concerning individuals who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. "Treatment records" do not include notes or records maintained for personal use by an individual providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others.

(32) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

NEW SECTION. Sec. 404. A facility shall honor an advance directive that was validly executed pursuant to chapter 70.122 RCW and a mental health advance directive that was validly executed pursuant to chapter 71.32 RCW.

NEW SECTION. Sec. 405. A person, eighteen years old or older, may be admitted to an enhanced services facility if he or she meets the criteria in subsections (1) through (3) of this section:

(1) The person requires: (a) Daily care by or under the supervision of a mental health professional, chemical dependency professional, or nurse; or (b) assistance with three or more activities of daily living; and

(2) The person has: (a) A mental disorder, chemical dependency disorder, or both; (b) an organic or traumatic brain injury; or (c) a cognitive impairment that results in symptoms or behaviors requiring supervision and facility services;

(3) The person has two or more of the following:

(a) Self-endangering behaviors that are frequent or difficult to manage;

(b) Aggressive, threatening, or assaultive behaviors that create a risk to the health or safety of other residents or staff, or a significant risk to property and these behaviors are frequent or difficult to manage;

(c) Intrusive behaviors that put residents or staff at risk;

(d) Complex medication needs and those needs include psychotropic medications;

(e) A history of or likelihood of unsuccessful placements in either a licensed facility or other state facility or a history of rejected applications for admission to other licensed facilities based on the person's behaviors, history, or security needs;

(f) A history of frequent or protracted mental health hospitalizations;

(g) A history of offenses against a person or felony offenses that created substantial damage to property.

NEW SECTION. Sec. 406. (1)(a) Every person who is a resident of an enhanced services facility shall be entitled to all the rights set forth in this chapter, and chapters 71.05 and 70.96A RCW, and shall retain all rights not denied him or her under these chapters.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder, chemical dependency disorder, or both, under this chapter, or chapter 71.05 or 70.96A RCW, or any prior laws of this state dealing with mental illness. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(c) At the time of his or her treatment planning meeting, every resident of an enhanced services facility shall be given a written statement setting forth the substance of this section. The department shall by rule develop a statement and process for informing residents of their rights in a manner that is likely to be understood by the resident.

(2) Every resident of an enhanced services facility shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician or other professional person qualified to provide such services.

(5) The physician-patient privilege or the psychologist-client privilege shall be deemed waived in proceedings under this chapter relating to the

administration of antipsychotic medications. As to other proceedings under chapter 10.77, 70.96A, or 71.05 RCW, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

(6) Insofar as danger to the person or others is not created, each resident of an enhanced services facility shall have, in addition to other rights not specifically withheld by law, the following rights, a list of which shall be prominently posted in all facilities, institutions, and hospitals providing such services:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) Not to consent to the administration of antipsychotic medications beyond the hearing conducted pursuant to RCW 71.05.215 or 71.05.370 (as recodified by this act), or the performance of electroconvulsant therapy, or surgery, except emergency life-saving surgery, unless ordered by a court under RCW 71.05.370 (as recodified by this act);

(h) To discuss and actively participate in treatment plans and decisions with professional persons;

(i) Not to have psychosurgery performed on him or her under any circumstances;

(j) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue; and

(k) To complain about rights violations or conditions and request the assistance of a mental health ombudsman or representative of Washington protection and advocacy. The facility may not prohibit or interfere with a resident's decision to consult with an advocate of his or her choice.

(7) Nothing contained in this chapter shall prohibit a resident from petitioning by writ of habeas corpus for release.

(8) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or active supervision by the department of corrections.

(9) A person has a right to refuse placement, except where subject to commitment, in an enhanced services facility. No person shall be denied other department services solely on the grounds that he or she has made such a refusal.

(10) A person has a right to appeal the decision of the department that he or she is eligible for placement at an enhanced services facility, and shall be given notice of the right to appeal in a format that is accessible to the person with instructions regarding what to do if the person wants to appeal.

NEW SECTION. Sec. 407. A person who is gravely disabled or presents a likelihood of serious harm as a result of a mental or chemical dependency disorder or co-occurring mental and chemical dependency disorders has a right to refuse antipsychotic medication. Antipsychotic medication may be administered over the person's objections only pursuant to RCW 71.05.215 or 71.05.370 (as recodified by this act).

NEW SECTION. Sec. 408. (1)(a) The department shall not license an enhanced services facility that serves any residents under sixty-five years of age for a capacity to exceed sixteen residents.

(b) The department may contract for services for the operation of enhanced services facilities only to the extent that funds are specifically provided for that purpose.

(2) The facility shall provide an appropriate level of security for the characteristics, behaviors, and legal status of the residents.

(3) An enhanced services facility may hold only one license but, to the extent permitted under state and federal law and medicaid requirements, a facility may be located in the same building as another licensed facility, provided that:

(a) The enhanced services facility is in a location that is totally separate and discrete from the other licensed facility; and

(b) The two facilities maintain separate staffing, unless an exception to this is permitted by the department in rule.

(4) Nursing homes under chapter 18.51 RCW, boarding homes under chapter 18.20 RCW, or adult family homes under chapter 70.128 RCW, that become licensed as facilities under this chapter shall be deemed to meet the applicable state and local rules, regulations, permits, and code requirements. All other facilities are required to meet all applicable state and local rules, regulations, permits, and code requirements.

NEW SECTION. Sec. 409. (1) The enhanced services facility shall complete a comprehensive assessment for each resident within fourteen days of admission, and the assessments shall be repeated upon a significant change in the resident's condition or, at a minimum, every one hundred eighty days if there is no significant change in condition.

(2) The enhanced services facility shall develop an individualized treatment plan for each resident based on the comprehensive assessment and any other information in the person's record. The plan shall be updated as necessary, and shall include a plan for appropriate transfer or discharge and reintegration into the community. Where the person is under the supervision of the department of corrections, the facility shall collaborate with the department of corrections to maximize treatment outcomes and reduce the likelihood of reoffense.

(3) The plan shall maximize the opportunities for independence, recovery, employment, the resident's participation in treatment decisions, and collaboration with peer-supported services, and provide for care and treatment in the least restrictive manner appropriate to the individual resident, and, where relevant, to any court orders with which the resident must comply.

NEW SECTION. Sec. 410. (1) An enhanced services facility must have sufficient numbers of staff with the appropriate credentials and training to provide residents with the appropriate care and treatment:

- (a) Mental health treatment;
- (b) Medication services;
- (c) Assistance with the activities of daily living;
- (d) Medical or habilitative treatment;
- (e) Dietary services;
- (f) Security; and
- (g) Chemical dependency treatment.

(2) Where an enhanced services facility specializes in medically fragile persons with mental disorders, the on-site staff must include at least one licensed nurse twenty-four hours per day. The nurse must be a registered nurse for at least sixteen hours per day. If the nurse is not a registered nurse, a registered nurse or a doctor must be on-call during the remaining eight hours.

(3) Any employee or other individual who will have unsupervised access to vulnerable adults must successfully pass a background inquiry check.

NEW SECTION. Sec. 411. This chapter does not apply to the following residential facilities:

- (1) Nursing homes licensed under chapter 18.51 RCW;
- (2) Boarding homes licensed under chapter 18.20 RCW;
- (3) Adult family homes licensed under chapter 70.128 RCW;
- (4) Facilities approved and certified under chapter 71A.22 RCW;
- (5) Residential treatment facilities licensed under chapter 71.12 RCW; and
- (6) Hospitals licensed under chapter 70.41 RCW.

NEW SECTION. Sec. 412. (1) The department shall establish licensing rules for enhanced services facilities to serve the populations defined in this chapter.

(2) No person or public or private agency may operate or maintain an enhanced services facility without a license, which must be renewed annually.

(3) A licensee shall have the following readily accessible and available for review by the department, residents, families of residents, and the public:

(a) Its license to operate and a copy of the department's most recent inspection report and any recent complaint investigation reports issued by the department;

(b) Its written policies and procedures for all treatment, care, and services provided directly or indirectly by the facility; and

(c) The department's toll-free complaint number, which shall also be posted in a clearly visible place and manner.

(4) Enhanced services facilities shall maintain a grievance procedure that meets the requirements of rules established by the department.

(5) No facility shall discriminate or retaliate in any manner against a resident or employee because the resident, employee, or any other person made a complaint or provided information to the department, the long-term care ombudsman, Washington protection and advocacy system, or a mental health ombudsman.

(6) Each enhanced services facility will post in a prominent place in a common area a notice by the Washington protection and advocacy system providing contact information.

NEW SECTION. Sec. 413. (1) In any case in which the department finds that a licensee of a facility, or any partner, officer, director, owner of five percent

or more of the assets of the facility, or managing employee failed or refused to comply with the requirements of this chapter or the rules established under them, the department may take any or all of the following actions:

- (a) Suspend, revoke, or refuse to issue or renew a license;
- (b) Order stop placement; or
- (c) Assess civil monetary penalties.

(2) The department may suspend, revoke, or refuse to renew a license, assess civil monetary penalties, or both, in any case in which it finds that the licensee of a facility, or any partner, officer, director, owner of five percent or more of the assets of the facility, or managing employee:

(a) Operated a facility without a license or under a revoked or suspended license;

(b) Knowingly or with reason to know made a false statement of a material fact in the license application or any data attached thereto, or in any matter under investigation by the department;

(c) Refused to allow representatives or agents of the department to inspect all books, records, and files required to be maintained or any portion of the premises of the facility;

(d) Willfully prevented, interfered with, or attempted to impede in any way the work of any duly authorized representative of the department and the lawful enforcement of any provision of this chapter;

(e) Willfully prevented or interfered with any representative of the department in the preservation of evidence of any violation of any of the provisions of this chapter or of the rules adopted under it; or

(f) Failed to pay any civil monetary penalty assessed by the department under this chapter within ten days after the assessment becomes final.

(3)(a) Civil penalties collected under this chapter shall be deposited into a special fund administered by the department.

(b) Civil monetary penalties, if imposed, may be assessed and collected, with interest, for each day the facility is or was out of compliance. Civil monetary penalties shall not exceed three thousand dollars per day. Each day upon which the same or a substantially similar action occurs is a separate violation subject to the assessment of a separate penalty.

(4) The department may use the civil penalty monetary fund for the protection of the health or property of residents of facilities found to be deficient including:

(a) Payment for the cost of relocation of residents to other facilities;

(b) Payment to maintain operation of a facility pending correction of deficiencies or closure; and

(c) Reimbursement of a resident for personal funds or property loss.

(5)(a) The department may issue a stop placement order on a facility, effective upon oral or written notice, when the department determines:

(i) The facility no longer substantially meets the requirements of this chapter; and

(ii) The deficiency or deficiencies in the facility:

(A) Jeopardizes the health and safety of the residents; or

(B) Seriously limits the facility's capacity to provide adequate care.

(b) When the department has ordered a stop placement, the

department may approve a readmission to the facility from a hospital, residential treatment facility, or crisis intervention facility when the department determines the readmission would be in the best interest of the individual seeking readmission.

(6) If the department determines that an emergency exists and resident health and safety is immediately jeopardized as a result of a facility's failure or refusal to comply with this chapter, the department may summarily suspend the facility's license and order the immediate closure of the facility, or the immediate transfer of residents, or both.

(7) If the department determines that the health or safety of the residents is immediately jeopardized as a result of a facility's failure or refusal to comply with requirements of this chapter, the department may appoint temporary management to:

- (a) Oversee the operation of the facility; and
- (b) Ensure the health and safety of the facility's residents while:
 - (i) Orderly closure of the facility occurs; or
 - (ii) The deficiencies necessitating temporary management are corrected.

NEW SECTION. Sec. 414. (1) All orders of the department denying, suspending, or revoking the license or assessing a monetary penalty shall become final twenty days after the same has been served upon the applicant or licensee unless a hearing is requested.

(2) All orders of the department imposing stop placement, temporary management, emergency closure, emergency transfer, or summary license suspension shall be effective immediately upon notice, pending any hearing.

(3) Subject to the requirements of subsection (2) of this section, all hearings under this chapter and judicial review of such determinations shall be in accordance with the administrative procedure act, chapter 34.05 RCW.

NEW SECTION. Sec. 415. Operation of a facility without a license in violation of this chapter and discrimination against medicaid recipients is a matter vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. Operation of an enhanced services facility without a license in violation of this chapter is not reasonable in relation to the development and preservation of business. Such a violation is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 416. A person operating or maintaining a facility without a license under this chapter is guilty of a misdemeanor and each day of a continuing violation after conviction shall be considered a separate offense.

NEW SECTION. Sec. 417. Notwithstanding the existence or use of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for an injunction, civil penalty, or other process against a person to restrain or prevent the operation or maintenance of a facility without a license issued under this chapter.

NEW SECTION. Sec. 418. (1) The department shall make or cause to be made at least one inspection of each facility prior to licensure and an unannounced full inspection of facilities at least once every eighteen months.

The statewide average interval between full facility inspections must be fifteen months.

(2) Any duly authorized officer, employee, or agent of the department may enter and inspect any facility at any time to determine that the facility is in compliance with this chapter and applicable rules, and to enforce any provision of this chapter. Complaint inspections shall be unannounced and conducted in such a manner as to ensure maximum effectiveness. No advance notice shall be given of any inspection unless authorized or required by federal law.

(3) During inspections, the facility must give the department access to areas, materials, and equipment used to provide care or support to residents, including resident and staff records, accounts, and the physical premises, including the buildings, grounds, and equipment. The department has the authority to privately interview the provider, staff, residents, and other individuals familiar with resident care and treatment.

(4) Any public employee giving advance notice of an inspection in violation of this section shall be suspended from all duties without pay for a period of not less than five nor more than fifteen days.

(5) The department shall prepare a written report describing the violations found during an inspection, and shall provide a copy of the inspection report to the facility.

(6) The facility shall develop a written plan of correction for any violations identified by the department and provide a plan of correction to the department within ten working days from the receipt of the inspection report.

NEW SECTION. Sec. 419. The facility shall only admit individuals:

(1) Who are over the age of eighteen;

(2) Who meet the resident eligibility requirements described in section 405 of this act; and

(3) Whose needs the facility can safely and appropriately meet through qualified and trained staff, services, equipment, security, and building design.

NEW SECTION. Sec. 420. If the facility does not employ a qualified professional able to furnish needed services, the facility must have a written contract with a qualified professional or agency outside the facility to furnish the needed services.

NEW SECTION. Sec. 421. At least sixty days before the effective date of any change of ownership, or change of management of a facility, the current operating entity must provide written notification about the proposed change separately and in writing, to the department, each resident of the facility, or the resident's guardian or representative.

NEW SECTION. Sec. 422. The facility shall:

(1) Maintain adequate resident records to enable the provision of necessary treatment, care, and services and to respond appropriately in emergency situations;

(2) Comply with all state and federal requirements related to documentation, confidentiality, and information sharing, including chapters 10.77, 70.02, 70.24, 70.96A, and 71.05 RCW; and

(3) Where possible, obtain signed releases of information designating the department, the facility, and the department of corrections where the person is under its supervision, as recipients of health care information.

NEW SECTION. Sec. 423. (1) Standards for fire protection and the enforcement thereof, with respect to all facilities licensed under this chapter, are the responsibility of the chief of the Washington state patrol, through the director of fire protection, who must adopt recognized standards as applicable to facilities for the protection of life against the cause and spread of fire and fire hazards. If the facility to be licensed meets with the approval of the chief of the Washington state patrol, through the director of fire protection, the director of fire protection must submit to the department a written report approving the facility with respect to fire protection before a full license can be issued. The chief of the Washington state patrol, through the director of fire protection, shall conduct an unannounced full inspection of facilities at least once every eighteen months. The statewide average interval between full facility inspections must be fifteen months.

(2) Inspections of facilities by local authorities must be consistent with the requirements adopted by the chief of the Washington state patrol, through the director of fire protection. Findings of a serious nature must be coordinated with the department and the chief of the Washington state patrol, through the director of fire protection, for determination of appropriate actions to ensure a safe environment for residents. The chief of the Washington state patrol, through the director of fire protection, has exclusive authority to determine appropriate corrective action under this section.

NEW SECTION. Sec. 424. No facility providing care and treatment for individuals placed in a facility, or agency licensing or placing residents in a facility, acting in the course of its duties, shall be civilly or criminally liable for performing its duties under this chapter, provided that such duties were performed in good faith and without gross negligence.

NEW SECTION. Sec. 425. (1) The secretary shall adopt rules to implement this chapter.

(2) Such rules shall at the minimum: (a) Promote safe treatment and necessary care of individuals residing in the facility and provide for safe and clean conditions; (b) establish licensee qualifications, licensing and enforcement, and license fees sufficient to cover the cost of licensing and enforcement.

PART V FORENSIC AND CORRECTIONAL

Drug and Mental Health Courts

NEW SECTION. Sec. 501. A new section is added to chapter 2.28 RCW to read as follows:

(1) Counties may establish and operate mental health courts.

(2) For the purposes of this section, "mental health court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and symptoms of mental illness among nonviolent, mentally ill felony and nonfelony offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment including drug treatment for persons with co-occurring disorders; mandatory periodic

reviews, including drug testing if indicated; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a mental health court program must first:

(i) Exhaust all federal funding that is available to support the operations of its mental health court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for mental health court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for mental health court operations and associated services.

(b) Any county that establishes a mental health court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The mental health court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from psychiatric treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person.

NEW SECTION. Sec. 502. A new section is added to chapter 2.28 RCW to read as follows:

Any county that has established a drug court and a mental health court under this chapter may combine the functions of both courts into a single therapeutic court.

NEW SECTION. Sec. 503. A new section is added to chapter 26.12 RCW to read as follows:

(1) Every county that authorizes the tax provided in section 804 of this act shall, and every county may, establish and operate a therapeutic court component for dependency proceedings designed to be effective for the court's size, location, and resources. A county with a drug court for criminal cases or with a mental health court may include a therapeutic court for dependency proceedings as a component of its existing program.

(2) For the purposes of this section, "therapeutic court" means a court that has special calendars or dockets designed for the intense judicial supervision, coordination, and oversight of treatment provided to parents and families who have substance abuse or mental health problems and who are involved in the dependency and is designed to achieve a reduction in:

(a) Child abuse and neglect;

(b) Out-of-home placement of children;

(c) Termination of parental rights; and

(d) Substance abuse or mental health symptoms among parents or guardians and their children.

(3) To the extent possible, the therapeutic court shall provide services for parents and families co-located with the court or as near to the court as practicable.

(4) The department of social and health services shall furnish services to the therapeutic court unless a court contracts with providers outside of the department.

(5) Any jurisdiction that receives a state appropriation to fund a therapeutic court must first exhaust all federal funding available for the development and operation of the therapeutic court and associated services.

(6) Moneys allocated by the state for a therapeutic court must be used to supplement, not supplant, other federal, state, local, and private funding for court operations and associated services under this section.

(7) Any county that establishes a therapeutic court or receives funds for an existing court under this section shall:

(a) Establish minimum requirements for the participation in the program; and

(b) Develop an evaluation component of the court, including tracking the success rates in graduating from treatment, reunifying parents with their children, and the costs and benefits of the court.

Sec. 504. RCW 2.28.170 and 2002 c 290 s 13 are each amended to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding (~~((received from the office of national drug control policy))~~) that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services.

(b) Any county that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

- (C) During which the defendant used a firearm; or
- (D) During which the defendant caused substantial or great bodily harm or death to another person.

Regional Jails

NEW SECTION. Sec. 505. (1) The joint legislative audit and review committee shall investigate and assess whether there are existing facilities in the state that could be converted to use as a regional jail for offenders who have mental or chemical dependency disorders, or both, that need specialized housing and treatment arrangements.

(2) The joint legislative audit and review committee shall consider the feasibility of using at least the following facilities or types of facilities:

- (a) State-owned or operated facilities; and
- (b) Closed or abandoned nursing homes.

(3) The analysis shall include an assessment of when such facilities could be available for use as a regional jail and the potential costs, costs avoided, and benefits of at least the following considerations:

- (a) Any impact on existing offenders or residents;
- (b) The conversion of the facilities;
- (c) Infrastructure tied to the facilities;
- (d) Whether the facility is, or can be, sized proportionately to the available pool of offenders;
- (e) Changes in criminal justice costs, including transport, access to legal assistance, and access to courts;
- (f) Reductions in jail populations; and
- (g) Changes in treatment costs for these offenders.

(4) The joint legislative audit and review committee shall report its findings and recommendations to the appropriate committees of the legislature not later than December 15, 2005.

Competency and Criminal Insanity

NEW SECTION. Sec. 506. By January 1, 2006, the department of social and health services shall:

(1) Reduce the waiting times for competency evaluation and restoration to the maximum extent possible using funds appropriated for this purpose; and

(2) Report to the legislature with an analysis of several alternative strategies for addressing increases in forensic population and minimizing waiting periods for competency evaluation and restoration. The report shall discuss, at a minimum, the costs and advantages of, and barriers to co-locating professional persons in jails, performing restoration treatment in less restrictive alternatives than the state hospitals, and the use of regional jail facilities to accomplish competency evaluation and restoration.

ESSB 6358 Implementation Issues

Sec. 507. RCW 71.05.157 and 2004 c 166 s 16 are each amended to read as follows:

(1) When a ((county)) designated mental health professional is notified by a jail that a defendant or offender who was subject to a discharge review under RCW 71.05.232 is to be released to the community, the ((county)) designated mental health professional shall evaluate the person within seventy-two hours of release.

(2) When an offender is under court-ordered treatment in the community and the supervision of the department of corrections, and the treatment provider becomes aware that the person is in violation of the terms of the court order, the treatment provider shall notify the ((county)) designated mental health professional and the department of corrections of the violation and request an evaluation for purposes of revocation of the less restrictive alternative.

(3) When a ((county)) designated mental health professional becomes aware that an offender who is under court-ordered treatment in the community and the supervision of the department of corrections is in violation of a treatment order or a condition of supervision that relates to public safety, or the ((county)) designated mental health professional detains a person under this chapter, the ((county)) designated mental health professional shall notify the person's treatment provider and the department of corrections.

(4) When an offender who is confined in a state correctional facility or is under supervision of the department of corrections in the community is subject to a petition for involuntary treatment under this chapter, the petitioner shall notify the department of corrections and the department of corrections shall provide documentation of its risk assessment or other concerns to the petitioner and the court if the department of corrections classified the offender as a high risk or high needs offender.

(5) Nothing in this section creates a duty on any treatment provider or ((county)) designated mental health professional to provide offender supervision.

NEW SECTION. Sec. 508. A new section is added to chapter 70.96A RCW to read as follows:

(1) Treatment providers shall inquire of each person seeking treatment, at intake, whether the person is subject to court ordered mental health or chemical dependency treatment, whether civil or criminal, and document the person's response in his or her record. If the person is in treatment on the effective date of this section, and the treatment provider has not inquired whether the person is subject to court ordered mental health or chemical dependency treatment, the treatment provider shall inquire on the person's next treatment session and document the person's response in his or her record.

(2) Treatment providers shall inquire of each person seeking treatment, at intake, whether the person is subject to supervision of any kind by the department of corrections and document the person's response in his or her record. If the person is in treatment on the effective date of this section, and the treatment provider has not inquired whether the person is subject to supervision of any kind by the department of corrections, the treatment provider shall inquire on the person's next treatment session and document the person's response in his or her record.

(3) For all persons who are subject to both court ordered mental health or chemical dependency treatment and supervision by the department of corrections, the treatment provider shall request an authorization to release

records and notify the person that, unless expressly excluded by the court order the law requires treatment providers to share information with the department of corrections and the person's mental health treatment provider.

(4) If the treatment provider has reason to believe that a person is subject to supervision by the department of corrections but the person's record does not indicate that he or she is, the treatment provider may call any department of corrections office and provide the person's name and birth date. If the person is subject to supervision, the treatment provider shall request, and the department of corrections shall provide, the name and contact information for the person's community corrections officer.

PART VI BEST PRACTICES AND COLLABORATION

NEW SECTION. Sec. 601. (1) The department of social and health services, in consultation with the members of the team charged with developing the state plan for co-occurring mental and substance abuse disorders, shall adopt, not later than January 1, 2006, an integrated and comprehensive screening and assessment process for chemical dependency and mental disorders and co-occurring chemical dependency and mental disorders.

(a) The process adopted shall include, at a minimum:

(i) An initial screening tool that can be used by intake personnel system-wide and which will identify the most common types of co-occurring disorders;

(ii) An assessment process for those cases in which assessment is indicated that provides an appropriate degree of assessment for most situations, which can be expanded for complex situations;

(iii) Identification of triggers in the screening that indicate the need to begin an assessment;

(iv) Identification of triggers after or outside the screening that indicate a need to begin or resume an assessment;

(v) The components of an assessment process and a protocol for determining whether part or all of the assessment is necessary, and at what point; and

(vi) Emphasis that the process adopted under this section is to replace and not to duplicate existing intake, screening, and assessment tools and processes.

(b) The department shall consider existing models, including those already adopted by other states, and to the extent possible, adopt an established, proven model.

(c) The integrated, comprehensive screening and assessment process shall be implemented statewide by all chemical dependency and mental health treatment providers as well as all designated mental health professionals, designated chemical dependency specialists, and designated crisis responders not later than January 1, 2007.

(2) The department shall provide adequate training to effect statewide implementation by the dates designated in this section and shall report the rates of co-occurring disorders and the stage of screening or assessment at which the co-occurring disorder was identified to the appropriate committees of the legislature.

(3) The department shall establish contractual penalties to contracted treatment providers, the regional support networks, and their contracted providers for failure to implement the integrated screening and assessment process by July 1, 2007.

NEW SECTION. Sec. 602. The department of corrections shall, to the extent that resources are available for this purpose, utilize the integrated, comprehensive screening and assessment process for chemical dependency and mental disorders developed under section 601 of this act.

***NEW SECTION. Sec. 603.** *A new section is added to chapter 71.24 RCW to read as follows:*

(1) By June 30, 2006, the department shall develop and implement a matrix or set of matrices for providing services based on the following principles:

(a) Maximizing evidence-based practices where these practices exist; where no evidence-based practice exists, the use of research-based practices, including but not limited to, the adaptation of evidence-based practices to new situations; where no evidence-based or research-based practices exist the use of consensus-based practices; and, to the extent that funds are available, the use of promising practices;

(b) Maximizing the person's independence, recovery, and employment by consideration of the person's strengths and supports in the community;

(c) Maximizing the person's participation in treatment decisions including, where possible, the person's awareness of, and technical assistance in preparing, mental health advance directives; and

(d) Collaboration with consumer-based support programs.

(2) The matrix or set of matrices shall include both adults and children and persons with co-occurring mental and substance abuse disorders and shall build on the service intensity quadrant models that have been developed in this state.

(3)(a) The matrix or set of matrices shall be developed in collaboration with experts in evidence-based practices for mental disorders, chemical dependency disorders, and co-occurring mental and chemical dependency disorders at the University of Washington, and in consultation with representatives of the regional support networks, community mental health providers, county chemical dependency coordinators, chemical dependency providers, consumers, family advocates, and community inpatient providers.

(b) The matrix or set of matrices shall, to the extent possible, adopt or utilize materials already prepared by the department or by other states.

(4)(a) The department shall require, by contract with the regional support networks, that providers maximize the use of evidence-based, research-based, and consensus-based practices and document the percentage of clients enrolled in evidence-based, research-based, and consensus-based programs by program type.

(b) The department shall establish a schedule by which regional support networks and providers must adopt the matrix or set of matrices and a schedule of penalties for failure to adopt and implement the matrices. The department may act against the regional support networks or providers or both to enforce the provisions of this section and shall provide the appropriate

committees of the legislature with the schedules adopted under this subsection by June 30, 2006.

(5) The following definitions apply to this section:

(a) "Evidence-based" means a program or practice that has had multiple site random controlled trials across heterogeneous populations demonstrating that the program or practice is effective for the population.

(b) "Research-based" means a program or practice that has some research demonstrating effectiveness, but that does not yet meet the standard of evidence-based practices.

(c) "Consensus-based" means a program or practice that has general support among treatment providers and experts, based on experience or professional literature, and may have anecdotal or case study support, or that is agreed but not possible to perform studies with random assignment and controlled groups.

(d) "Promising practice" means a practice that presents, based on preliminary information, potential for becoming a research-based or consensus-based practice.

*Sec. 603 was vetoed. See message at end of chapter.

***NEW SECTION. Sec. 604.** *A new section is added to chapter 71.02 RCW to read as follows:*

(1) The department of social and health services shall collaborate with community providers of mental health services, early learning and child care providers, child serving agencies, and child-placing agencies to identify and utilize federal, state, and local services and providers for children in out-of-home care and other populations of vulnerable children who are in need of an evaluation and treatment for mental health services and do not qualify for medicaid or treatment services through the regional support networks.

(2) If no appropriate mental health services are available through federal, state, or local services and providers for a child described in subsection (1) of this section, the regional support network must provide a child, at a minimum, with a mental health evaluation consistent with chapter 71.24 RCW.

(3) The department, in collaboration with the office of the superintendent of public instruction, local providers, local school districts, and the regional support networks, shall identify and review existing programs and services as well as the unmet need for programs and services serving birth to five and school-aged children who exhibit early signs of behavioral or mental health disorders and who are not otherwise eligible for services through the regional support networks. The review of programs and services shall include, but not be limited to, the utilization and effectiveness of early intervention or prevention services and the primary intervention programs.

The department of social and health services shall provide a briefing on the collaboration's findings and recommendations to the appropriate committee of the legislature by December 31, 2005.

*Sec. 604 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 605. *The Washington state institute for public policy shall study the net short-run and long-run fiscal savings to state and local governments of implementing evidence-based treatment of chemical dependency disorders, mental disorders, and co-occurring mental and substance abuse disorders. The institute shall use the results from its 2004 report entitled*

"Benefits and Costs of Prevention and Early Intervention Programs for Youth" and its work on effective adult corrections programs to project total fiscal impacts under alternative implementation scenarios. In addition to fiscal outcomes, the institute shall estimate the long-run effects that an evidence-based strategy could have on statewide education, crime, child abuse and neglect, substance abuse, and economic outcomes. The institute shall provide an interim report to the appropriate committees of the legislature by January 1, 2006, and a final report by June 30, 2006.

PART VII REPEALERS AND CROSS-REFERENCE CORRECTIONS

NEW SECTION. Sec. 701. The following acts or parts of acts are each repealed on the effective date of section 107 of this act:

(1) RCW 71.05.060 (Rights of persons complained against) and 1973 1st ex.s. c 142 s 11;

(2) RCW 71.05.070 (Prayer treatment) and 1973 1st ex.s. c 142 s 12;

(3) RCW 71.05.090 (Choice of physicians) and 1973 2nd ex.s. c 24 s 3 & 1973 1st ex.s. c 142 s 14;

(4) RCW 71.05.200 (Notice and statement of rights—Probable cause hearing) and 1998 c 297 s 11, 1997 c 112 s 14, 1989 c 120 s 5, 1974 ex.s. c 145 s 13, & 1973 1st ex.s. c 142 s 25;

(5) RCW 71.05.250 (Probable cause hearing—Detained person's rights—Waiver of privilege—Limitation—Records as evidence) and 1989 c 120 s 7, 1987 c 439 s 6, 1974 ex.s. c 145 s 17, & 1973 1st ex.s. c 142 s 30;

(6) RCW 71.05.450 (Competency—Effect—Statement of Washington law) and 1994 sp.s. c 7 s 440 & 1973 1st ex.s. c 142 s 50;

(7) RCW 71.05.460 (Right to counsel) and 1997 c 112 s 33 & 1973 1st ex.s. c 142 s 51;

(8) RCW 71.05.470 (Right to examination) and 1997 c 112 s 34 & 1973 1st ex.s. c 142 s 52;

(9) RCW 71.05.480 (Petitioning for release—Writ of habeas corpus) and 1974 ex.s. c 145 s 29 & 1973 1st ex.s. c 142 s 53; and

(10) RCW 71.05.490 (Rights of persons committed before January 1, 1974) and 1997 c 112 s 35 & 1973 1st ex.s. c 142 s 54.

NEW SECTION. Sec. 702. The following acts or parts of acts are each repealed on the effective date of section 109 of this act:

(1) RCW 71.05.155 (Request to mental health professional by law enforcement agency for investigation under RCW 71.05.150—Advisory report of results) and 1997 c 112 s 9 & 1979 ex.s. c 215 s 10;

(2) RCW 71.05.395 (Application of uniform health care information act, chapter 70.02 RCW) and 1993 c 448 s 8;

(3) RCW 71.05.400 (Release of information to patient's next of kin, attorney, guardian, conservator—Notification of patient's death) and 1993 c 448 s 7, 1974 ex.s. c 115 s 1, 1973 2nd ex.s. c 24 s 6, & 1973 1st ex.s. c 142 s 45;

(4) RCW 71.05.410 (Notice of disappearance of patient) and 1997 c 112 s 32, 1973 2nd ex.s. c 24 s 7, & 1973 1st ex.s. c 142 s 46; and

(5) RCW 71.05.430 (Statistical data) and 1973 1st ex.s. c 142 s 48.

NEW SECTION. Sec. 703. RCW 71.05.610 (Treatment records—Definitions) and 1989 c 205 s 11 are each repealed on the effective date of sections 104 through 106 of this act.

NEW SECTION. Sec. 704. The following acts or parts of acts are each repealed:

- (1) RCW 71.05.650 (Treatment records—Notation of and access to released data) and 1989 c 205 s 15; and
- (2) RCW 71.05.670 (Treatment records—Violations—Civil action) and 1999 c 13 s 10.

Sec. 705. RCW 5.60.060 and 2001 c 286 s 2 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 70.96A, 70.96A.202 through 70.96A.216 of this act, 71.05, or 71.09 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 70.96A, 70.96A.202 through 70.96A.216 of this act, 71.05, or 71.09 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2)(a) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(b) A parent or guardian of a minor child arrested on a criminal charge may not be examined as to a communication between the child and his or her attorney if the communication was made in the presence of the parent or guardian. This privilege does not extend to communications made prior to the arrest.

(3) A member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 70.96A.140 or ~~((71.05.250))~~ 71.05.360 (8) and (9), a physician or surgeon or osteopathic physician or surgeon or podiatric physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to waive the physician-patient privilege. Waiver of

the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

(6)(a) A peer support group counselor shall not, without consent of the law enforcement officer making the communication, be compelled to testify about any communication made to the counselor by the officer while receiving counseling. The counselor must be designated as such by the sheriff, police chief, or chief of the Washington state patrol, prior to the incident that results in counseling. The privilege only applies when the communication was made to the counselor while acting in his or her capacity as a peer support group counselor. The privilege does not apply if the counselor was an initial responding officer, a witness, or a party to the incident which prompted the delivery of peer support group counseling services to the law enforcement officer.

(b) For purposes of this section, "peer support group counselor" means a:

(i) Law enforcement officer, or civilian employee of a law enforcement agency, who has received training to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity; or

(ii) Nonemployee counselor who has been designated by the sheriff, police chief, or chief of the Washington state patrol to provide emotional and moral support and counseling to an officer who needs those services as a result of an incident in which the officer was involved while acting in his or her official capacity.

(7) A sexual assault advocate may not, without the consent of the victim, be examined as to any communication made by the victim to the sexual assault advocate.

(a) For purposes of this section, "sexual assault advocate" means the employee or volunteer from a rape crisis center, victim assistance unit, program, or association, that provides information, medical or legal advocacy, counseling, or support to victims of sexual assault, who is designated by the victim to accompany the victim to the hospital or other health care facility and to proceedings concerning the alleged assault, including police and prosecution interviews and court proceedings.

(b) A sexual assault advocate may disclose a confidential communication without the consent of the victim if failure to disclose is likely to result in a clear, imminent risk of serious physical injury or death of the victim or another person. Any sexual assault advocate participating in good faith in the disclosing of records and communications under this section shall have immunity from any liability, civil, criminal, or otherwise, that might result from the action. In any proceeding, civil or criminal, arising out of a disclosure under this section, the good faith of the sexual assault advocate who disclosed the confidential communication shall be presumed.

Sec. 706. RCW 18.83.110 and 1989 c 271 s 303 are each amended to read as follows:

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW 70.96A.140 and ~~((71.05.250))~~ 71.05.360 (8) and (9).

Sec. 707. RCW 18.225.105 and 2003 c 204 s 1 are each amended to read as follows:

A person licensed under this chapter shall not disclose the written acknowledgment of the disclosure statement pursuant to RCW 18.225.100, nor any information acquired from persons consulting the individual in a professional capacity when the information was necessary to enable the individual to render professional services to those persons except:

(1) With the written authorization of that person or, in the case of death or disability, the person's personal representative;

(2) If the person waives the privilege by bringing charges against the person licensed under this chapter;

(3) In response to a subpoena from the secretary. The secretary may subpoena only records related to a complaint or report under RCW 18.130.050;

(4) As required under chapter 26.44 or 74.34 RCW or RCW ~~((71.05.250))~~ 71.05.360 (8) and (9); or

(5) To any individual if the person licensed under this chapter reasonably believes that disclosure will avoid or minimize an imminent danger to the health or safety of the individual or any other individual; however, there is no obligation on the part of the provider to so disclose.

Sec. 708. RCW 71.05.235 and 2000 c 74 s 6 are each amended to read as follows:

(1) If an individual is referred to a ~~((county))~~ designated mental health professional under RCW 10.77.090(1)(d)(iii)(A), the ~~((county))~~ designated mental health professional shall examine the individual within forty-eight hours. If the ~~((county))~~ designated mental health professional determines it is not appropriate to detain the individual or petition for a ninety-day less restrictive alternative under RCW 71.05.230(4), that decision shall be immediately presented to the superior court for hearing. The court shall hold a hearing to consider the decision of the ~~((county))~~ designated mental health professional not later than the next judicial day. At the hearing the superior court shall review the determination of the ~~((county))~~ designated mental health professional and determine whether an order should be entered requiring the person to be evaluated at an evaluation and treatment facility. No person referred to an evaluation and treatment facility may be held at the facility longer than seventy-two hours.

(2) If an individual is placed in an evaluation and treatment facility under RCW 10.77.090(1)(d)(iii)(B), a professional person shall evaluate the individual for purposes of determining whether to file a ninety-day inpatient or outpatient petition under chapter 71.05 RCW. Before expiration of the seventy-two hour evaluation period authorized under RCW 10.77.090(1)(d)(iii)(B), the professional person shall file a petition or, if the recommendation of the professional person is to release the individual, present his or her recommendation to the superior court of the county in which the criminal charge

was dismissed. The superior court shall review the recommendation not later than forty-eight hours, excluding Saturdays, Sundays, and holidays, after the recommendation is presented. If the court rejects the recommendation to unconditionally release the individual, the court may order the individual detained at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period and direct the individual to appear at a surety hearing before that court within seventy-two hours, or the court may release the individual but direct the individual to appear at a surety hearing set before that court within eleven days, at which time the prosecutor may file a petition under this chapter for ninety-day inpatient or outpatient treatment. If a petition is filed by the prosecutor, the court may order that the person named in the petition be detained at the evaluation and treatment facility that performed the evaluation under this subsection or order the respondent to be in outpatient treatment. If a petition is filed but the individual fails to appear in court for the surety hearing, the court shall order that a mental health professional or peace officer shall take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility to be brought before the court the next judicial day after detention. Upon the individual's first appearance in court after a petition has been filed, proceedings under RCW 71.05.310 and 71.05.320 shall commence. For an individual subject to this subsection, the prosecutor or professional person may directly file a petition for ninety-day inpatient or outpatient treatment and no petition for initial detention or fourteen-day detention is required before such a petition may be filed.

The court shall conduct the hearing on the petition filed under this subsection within five judicial days of the date the petition is filed. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the date of the filing of the petition. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW (~~71.05.250~~) 71.05.360 (8) and (9).

During the proceeding the person named in the petition shall continue to be detained and treated until released by order of the court. If no order has been made within thirty days after the filing of the petition, not including any extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

(3) If a (~~county~~) designated mental health professional or the professional person and prosecuting attorney for the county in which the criminal charge was dismissed or attorney general, as appropriate, stipulate that the individual does not present a likelihood of serious harm or is not gravely disabled, the hearing under this section is not required and the individual, if in custody, shall be released.

(4) The individual shall have the rights specified in RCW (~~71.05.250~~) 71.05.360 (8) and (9).

Sec. 709. RCW 71.05.310 and 1987 c 439 s 9 are each amended to read as follows:

The court shall conduct a hearing on the petition for ninety day treatment within five judicial days of the first court appearance after the probable cause hearing. The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the first court appearance after the probable cause hearing. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW (~~71.05.250~~) 71.05.360 (8) and (9).

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

Sec. 710. RCW 71.05.425 and 2000 c 94 s 10 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4) to the following:

- (i) The chief of police of the city, if any, in which the person will reside; and
- (ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.090(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(2)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings; and

- (iii) Any person specified in writing by the prosecuting attorney.

Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(2)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW 10.77.090(4) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW 10.77.090(4) preceding commitment under RCW 71.05.280(3) or 71.05.320(2) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW ((71.05.410)) 71.05.390(18). If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 711. RCW 71.05.445 and 2004 c 166 s 4 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information.

(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.05.020, community mental health service delivery systems, or community mental health programs as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.

(2)(a) Information related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom

the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.

(b) If an offender subject to chapter 9.94A or 9.95 RCW has failed to report for department of corrections supervision or in the event of an emergent situation that poses a significant risk to the public or the offender, information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found shall be released by the mental health services provider to the department of corrections upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health services provider and the address or information about the location or whereabouts of the offender. Information released in response to a written request may include information identified by rule as provided in subsections (4) and (5) of this section. For purposes of this subsection a written request includes requests made by e-mail or facsimile so long as the requesting person at the department of corrections is clearly identified. The request must specify the information being requested. Disclosure of the information requested does not require the consent of the subject of the records unless the offender has received relief from disclosure under RCW 9.94A.562, 70.96A.155, or 71.05.132.

(3)(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.

(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to supervision by the department of corrections, the mental health services provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132 and the offender has provided the mental health services provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132, the mental health services provider is not required to notify the department of corrections that the mental health services provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by e-mail or facsimile, so long as the notifying mental health service provider is clearly identified.

(4) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the

department of corrections to carry out its duties, including those records and reports identified in subsection (2) of this section.

(5) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in subsection (1) of this section, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:

(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and

(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.

(6) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in RCW 72.09.585.

(7) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section except under RCW (~~71.05.670 and~~) 71.05.440.

(8) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(9) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(10) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.

Sec. 712. RCW 71.05.640 and 2000 c 94 s 11 are each amended to read as follows:

(1) Procedures shall be established by resource management services to provide reasonable and timely access to individual treatment records. However, access may not be denied at any time to records of all medications and somatic treatments received by the individual.

(2) Following discharge, the individual shall have a right to a complete record of all medications and somatic treatments prescribed during evaluation, admission, or commitment and to a copy of the discharge summary prepared at the time of his or her discharge. A reasonable and uniform charge for reproduction may be assessed.

(3) Treatment records may be modified prior to inspection to protect the confidentiality of other patients or the names of any other persons referred to in the record who gave information on the condition that his or her identity remain

confidential. Entire documents may not be withheld to protect such confidentiality.

(4) At the time of discharge all individuals shall be informed by resource management services of their rights as provided in RCW ((~~71.05.610~~)) 71.05.620 through 71.05.690.

Sec. 713. RCW 71.05.680 and 1999 c 13 s 11 are each amended to read as follows:

Any person who requests or obtains confidential information pursuant to RCW ((~~71.05.610~~)) 71.05.620 through 71.05.690 under false pretenses shall be guilty of a gross misdemeanor.

Sec. 714. RCW 71.05.690 and 1999 c 13 s 12 are each amended to read as follows:

The department shall adopt rules to implement RCW ((~~71.05.610~~)) 71.05.620 through 71.05.680.

Sec. 715. RCW 71.24.035 and 2001 c 334 s 7 and 2001 c 323 s 10 are each reenacted and amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary shall provide for public, client, and licensed service provider participation in developing the state mental health program, developing contracts with regional support networks, and any waiver request to the federal government under medicaid.

(3) The secretary shall provide for participation in developing the state mental health program for children and other underserved populations, by including representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

(5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for mentally ill adults and children. The secretary may also develop a six-year state mental health plan;

(b) Assure that any regional or county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) chronically mentally ill adults and severely emotionally disturbed children; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Employment services, which may include supported employment, transitional work, placement in competitive employment, and other work-related services, that result in mentally ill persons becoming engaged in meaningful and gainful full or part-time work. Other sources of funding such as the division of vocational rehabilitation may be utilized by the secretary to maximize federal funding and provide for integration of services;

(F) Consultation and education services; and

(G) Community support services;

(c) Develop and adopt rules establishing state minimum standards for the delivery of mental health services pursuant to RCW 71.24.037 including, but not limited to:

(i) Licensed service providers. The secretary shall provide for deeming of compliance with state minimum standards for those entities accredited by recognized behavioral health accrediting bodies recognized and having a current agreement with the department;

(ii) Regional support networks; and

(iii) Inpatient services, evaluation and treatment services and facilities under chapter 71.05 RCW, resource management services, and community support services;

(d) Assure that the special needs of minorities, the elderly, disabled, children, and low-income persons are met within the priorities established in this section;

(e) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used in contracting with regional support networks or counties. The standard contract shall include a maximum fund balance, which shall not exceed ten percent;

(f) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers. The audit procedure shall focus on the outcomes of service and not the processes for accomplishing them;

(g) Develop and maintain an information system to be used by the state, counties, and regional support networks that includes a tracking method which allows the department and regional support networks to identify mental health clients' participation in any mental health service or public program on an immediate basis. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in this chapter and in RCW 71.05.390, (~~71.05.400, 71.05.410,~~) 71.05.420, (~~71.05.430,~~) and 71.05.440. The design of the system and the data elements to be collected shall be reviewed by the work group appointed by the secretary under section 5(1) of this act and representing the department, regional support networks, service providers, consumers, and advocates. The data elements shall be designed to provide information that is needed to measure performance and achieve the service outcomes (~~identified in section 5 of this act~~);

(h) License service providers who meet state minimum standards;

(i) Certify regional support networks that meet state minimum standards;

(j) Periodically monitor the compliance of certified regional support networks and their network of licensed service providers for compliance with the

contract between the department, the regional support network, and federal and state rules at reasonable times and in a reasonable manner;

(k) Fix fees to be paid by evaluation and treatment centers to the secretary for the required inspections;

(l) Monitor and audit counties, regional support networks, and licensed service providers as needed to assure compliance with contractual agreements authorized by this chapter; and

(m) Adopt such rules as are necessary to implement the department's responsibilities under this chapter.

(6) The secretary shall use available resources only for regional support networks.

(7) Each certified regional support network and licensed service provider shall file with the secretary, on request, such data, statistics, schedules, and information as the secretary reasonably requires. A certified regional support network or licensed service provider which, without good cause, fails to furnish any data, statistics, schedules, or information as requested, or files fraudulent reports thereof, may have its certification or license revoked or suspended.

(8) The secretary may suspend, revoke, limit, or restrict a certification or license, or refuse to grant a certification or license for failure to conform to: (a) The law; (b) applicable rules and regulations; (c) applicable standards; or (d) state minimum standards.

(9) The superior court may restrain any regional support network or service provider from operating without certification or a license or any other violation of this section. The court may also review, pursuant to procedures contained in chapter 34.05 RCW, any denial, suspension, limitation, restriction, or revocation of certification or license, and grant other relief required to enforce the provisions of this chapter.

(10) Upon petition by the secretary, and after hearing held upon reasonable notice to the facility, the superior court may issue a warrant to an officer or employee of the secretary authorizing him or her to enter at reasonable times, and examine the records, books, and accounts of any regional support network or service provider refusing to consent to inspection or examination by the authority.

(11) Notwithstanding the existence or pursuit of any other remedy, the secretary may file an action for an injunction or other process against any person or governmental unit to restrain or prevent the establishment, conduct, or operation of a regional support network or service provider without certification or a license under this chapter.

(12) The standards for certification of evaluation and treatment facilities shall include standards relating to maintenance of good physical and mental health and other services to be afforded persons pursuant to this chapter and chapters 71.05 and 71.34 RCW, and shall otherwise assure the effectuation of the purposes of these chapters.

(13)(a) The department, in consultation with affected parties, shall establish a distribution formula that reflects county needs assessments based on the number of persons who are acutely mentally ill, chronically mentally ill, severely emotionally disturbed children, and seriously disturbed. The formula shall take into consideration the impact on counties of demographic factors in counties which result in concentrations of priority populations as set forth in

subsection (5)(b) of this section. These factors shall include the population concentrations resulting from commitments under chapters 71.05 and 71.34 RCW to state psychiatric hospitals, as well as concentration in urban areas, at border crossings at state boundaries, and other significant demographic and workload factors.

(b) The formula shall also include a projection of the funding allocations that will result for each county, which specifies allocations according to priority populations, including the allocation for services to children and other underserved populations.

(c) After July 1, 2003, the department may allocate up to two percent of total funds to be distributed to the regional support networks for incentive payments to reward the achievement of superior outcomes, or significantly improved outcomes, as measured by a statewide performance measurement system consistent with the framework recommended in the joint legislative audit and review committee's performance audit of the mental health system. The department shall annually report to the legislature on its criteria and allocation of the incentives provided under this subsection.

(14) The secretary shall assume all duties assigned to the nonparticipating counties under chapters 71.05, 71.34, and 71.24 RCW. Such responsibilities shall include those which would have been assigned to the nonparticipating counties under regional support networks.

The regional support networks, or the secretary's assumption of all responsibilities under chapters 71.05, 71.34, and 71.24 RCW, shall be included in all state and federal plans affecting the state mental health program including at least those required by this chapter, the medicaid program, and P.L. 99-660. Nothing in these plans shall be inconsistent with the intent and requirements of this chapter.

(15) The secretary shall:

(a) Disburse funds for the regional support networks within sixty days of approval of the biennial contract. The department must either approve or reject the biennial contract within sixty days of receipt.

(b) Enter into biennial contracts with regional support networks. The contracts shall be consistent with available resources. No contract shall be approved that does not include progress toward meeting the goals of this chapter by taking responsibility for: (i) Short-term commitments; (ii) residential care; and (iii) emergency response systems.

(c) Allocate one hundred percent of available resources to the regional support networks in accordance with subsection (13) of this section. Incentive payments authorized under subsection (13) of this section may be allocated separately from other available resources.

(d) Notify regional support networks of their allocation of available resources at least sixty days prior to the start of a new biennial contract period.

(e) Deny funding allocations to regional support networks based solely upon formal findings of noncompliance with the terms of the regional support network's contract with the department. Written notice and at least thirty days for corrective action must precede any such action. In such cases, regional support networks shall have full rights to appeal under chapter 34.05 RCW.

(16) The department, in cooperation with the state congressional delegation, shall actively seek waivers of federal requirements and such modifications of

federal regulations as are necessary to allow federal medicaid reimbursement for services provided by free-standing evaluation and treatment facilities certified under chapter 71.05 RCW. The department shall periodically report its efforts to the appropriate committees of the senate and the house of representatives.

PART VIII MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 801. RCW 71.05.035 is recodified as a new section in chapter 71A.12 RCW.

NEW SECTION. Sec. 802. A new section is added to chapter 43.20A RCW to read as follows:

Beginning July 1, 2007, the secretary shall require, in the contracts the department negotiates pursuant to chapters 71.24 and 70.96A RCW, that any vendor rate increases provided for mental health and chemical dependency treatment providers or programs who are parties to the contract or subcontractors of any party to the contract shall be prioritized to those providers and programs that maximize the use of evidence-based and research-based practices, as those terms are defined in section 603 of this act, unless otherwise designated by the legislature.

NEW SECTION. Sec. 803. A new section is added to chapter 71.24 RCW to read as follows:

The department shall require each regional support network to provide for a separately funded mental health ombudsman office in each regional support network that is independent of the regional support network. The ombudsman office shall maximize the use of consumer advocates.

NEW SECTION. Sec. 804. A new section is added to chapter 82.14 RCW to read as follows:

(1) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall 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 county. The rate of tax shall equal one-tenth of one 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.

(3) Moneys collected under this section shall be used solely for the purpose of providing new or expanded chemical dependency or mental health treatment services and for the operation of new or expanded therapeutic court programs. Moneys collected under this section shall not be used to supplant existing funding for these purposes.

NEW SECTION. Sec. 805. A new section is added to chapter 71.24 RCW to read as follows:

The department may establish new regional support network boundaries in any part of the state where more than one network chooses not to respond to, or is unable to substantially meet the requirements of, the request for qualifications under 2005 c . . . (Engrossed Second Substitute House Bill No. 1290, as amended by the Senate) s 4 or where a regional support network is subject to

reprocurement under 2005 c . . . (Engrossed Second Substitute House Bill No. 1290, as amended by the Senate) s 6. The department may establish no fewer than eight and no more than fourteen regional support networks under this chapter. No entity shall be responsible for more than three regional support networks.

****NEW SECTION. Sec. 806. 2005 c ... (Engrossed Second Substitute House Bill No. 1290, as amended by the Senate) s 5 is hereby repealed.***

***Sec. 806 was vetoed. See message at end of chapter.**

NEW SECTION. Sec. 807. 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. 808. This act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this act among those states which enact it.

NEW SECTION. Sec. 809. Captions, part headings, and subheadings used in this act are not part of the law.

NEW SECTION. Sec. 810. If specific funding for the purposes of sections 203, 217, 220, 301, 303, 305, 505, 601, and 605 of this act, referencing the section by section number and by bill or chapter number, is not provided by June 30, 2005, each section not referenced is null and void.

NEW SECTION. Sec. 811. (1) The code reviser shall alphabetize and renumber the definitions, and correct any internal references affected by this act.

(2) The code reviser shall replace all references to "county designated mental health professional" with "designated mental health professional" in the Revised Code of Washington.

NEW SECTION. Sec. 812. (1) The secretary of the department of social and health services may adopt rules as necessary to implement the provisions of this act.

(2) The secretary of corrections may adopt rules as necessary to implement the provisions of this act.

NEW SECTION. Sec. 813. (1) Except for section 503 of this act, 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 July 1, 2005.

(2) Section 503 of this act takes effect July 1, 2006.

Passed by the Senate April 22, 2005.

Passed by the House April 21, 2005.

Approved by the Governor May 17, 2005, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Sections 402, 603, 604 and 806, Engrossed Second Substitute Senate Bill No. 5763 entitled:

"AN ACT Relating to the omnibus treatment of mental and substance abuse disorders act of 2005."

Section 402 describes the Legislature's intent to authorize the Department of Social and Health Services (DSHS) to license a new type of facility called Enhanced Services Facilities. This section states that some clients have been repeatedly served in inappropriate settings or discharged without an appropriate placement. Although the development of a new facility type may well afford service providers an opportunity to deliver more effective services to persons with mental disorders, it is not reasonable to assume that such services were or are being provided inappropriately.

Although the Legislature appropriated funds in the 2005-2007 operating budget to fund many of the activities included in this bill, no funds were appropriated to implement Sections 603 and 604. Section 603 directs the DSHS to undertake a project, in collaboration with a broad array of stakeholders, to develop a set of matrices of service best practices. Section 604 directs the DSHS to undertake two collaboration projects with different groups of stakeholders to identify ways to provide mental health services to children who are not eligible for the state's Medicaid funded mental health services. With the passage of both this bill and Engrossed Second Substitute House Bill 1290, the DSHS' Mental Health Division will have many large projects to implement over the next biennium. I do not believe it is reasonable to include several additional unfunded smaller projects to DSHS' already large project list.

Section 806 repeals Section 5 in Engrossed Second Substitute House Bill No. 1290. Section 806 is unnecessary as I vetoed Section 5 in Engrossed Second Substitute House Bill No. 1290 today.

For these reasons, I have vetoed Sections 402, 603, 604 and 806 of Engrossed Second Substitute Senate Bill No. 5763.

With the exception of Sections 402, 603, 604 and 806, Engrossed Second Substitute Senate Bill No. 5763 is approved."

CHAPTER 505

[Substitute House Bill 1591]

BOARDING AND ADULT FAMILY HOMES

AN ACT Relating to care facilities; reenacting and amending RCW 70.128.010; adding a new section to chapter 18.20 RCW; adding new sections to chapter 70.128 RCW; adding a new section to chapter 69.06 RCW; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 18.20 RCW to read as follows:

The department of health, the department, and the building code council shall develop standards for small boarding homes between seven and sixteen beds that address at least the following issues:

- (1) Domestic food refrigeration and freezer storage;
- (2) Sinks and sink placement;
- (3) Dishwashers;
- (4) Use of heat supplements for water temperature in clothes washers;
- (5) Yard shrubbery;
- (6) Number of janitorial rooms in a facility;
- (7) Number and cross-purpose of dirty rooms;
- (8) Instant hot water faucets;
- (9) Medication refrigeration; and
- (10) Walled and gated facilities.

Based on the standards developed under this section, the department of health and the building code council shall study the risks and benefits of modifying and simplifying construction and equipment standards for boarding homes with a capacity of seven to sixteen persons. The study shall include coordination with the department. The department of health shall report its

findings and recommendations to appropriate committees of the legislature no later than December 1, 2005.

NEW SECTION. **Sec. 2.** The department of health and the department of social and health services may adopt rules to implement section 1 of this act.

**Sec. 3. RCW 70.128.010 and 2001 c 319 s 6 and 2001 c 319 s 2 are each reenacted and amended to read as follows:*

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

(2) "Special capacity adult family home" means an adult family home licensed to provide services to seven or eight residents.

(3) "Provider" means any person who is licensed under this chapter to operate an adult family home. For the purposes of this section, "person" means any individual, partnership, corporation, association, or limited liability company. A provider, in an adult family home licensed for seven or eight residents, means a person with one year of administration experience, in the state of Washington, in any long-term licensed care setting.

~~((3))~~ (4) "Department" means the department of social and health services.

~~((4))~~ (5) "Resident" means an adult in need of personal or special care in an adult family home who is not related to the provider.

~~((5))~~ (6) "Adults" means persons who have attained the age of eighteen years.

~~((6))~~ (7) "Home" means an adult family home.

~~((7))~~ (8) "Imminent danger" means serious physical harm to or death of a resident has occurred, or there is a serious threat to resident life, health, or safety.

~~((8))~~ (9) "Special care" means care beyond personal care as defined by the department, in rule.

~~((9))~~ (10) "Capacity" means the maximum number of persons in need of personal or special care permitted in an adult family home at a given time. This number shall include related children or adults in the home and who received special care.

~~((10))~~ (11) "Resident manager" means a person employed or designated by the provider to manage the adult family home.

**Sec. 3 was vetoed. See message at end of chapter.*

*NEW SECTION. **Sec. 4.** A new section is added to chapter 70.128 RCW to read as follows:

The department may license an adult family home to be a special capacity adult family home. The department shall, at a minimum, consider the prior compliance history of the licensee, the experience of the licensee, the adequacy of the physical space in the home, and the number, qualification, and training of readily available staff to meet the needs of residents when determining whether to grant the license. The department shall develop rules

pertaining to the licensing of special capacity adult family homes to include requirements related to licensing and the health and safety of residents.

*Sec. 4 was vetoed. See message at end of chapter.

***NEW SECTION. Sec. 5.** *A new section is added to chapter 70.128 RCW to read as follows:*

(1) All adult family homes licensed for seven or eight residents shall install smoke detectors. Smoke detectors must be installed in each sleeping room and installed at a central point in a corridor or area which gives access to each separate sleeping room. All smoke detectors located inside adult family homes, licensed for seven or eight residents, shall be interconnected so as to sound an alarm from all smoke detectors located in the home when any one detector is activated.

(2) Adult family homes licensed for seven or eight residents shall have their interconnected smoke detectors monitored by a central monitoring company and the adult family home provider shall maintain the central monitoring service so long as the home is licensed as an adult family home.

(3) Adult family homes licensed for seven or eight residents shall install a residential automatic fire sprinkler system. Installation and maintenance shall be in accordance with standards specified in the state building code. The state building code council shall adopt rules to implement the requirements of this subsection (3). The automatic fire sprinkler system shall be inspected on an annual basis by a state certified automatic sprinkler system inspection and testing technician.

*Sec. 5 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 6. *A new section is added to chapter 70.128 RCW to read as follows:*

The department shall implement, as part of the required training and continuing education, food safety training and testing integrated into the curriculum that meets the standards established by the state board of health pursuant to chapter 69.06 RCW. Individual food handler permits are not required for persons who begin working in an adult family home after June 30, 2005, and successfully complete the basic and modified-basic caregiver training, provided they receive information or training regarding safe food handling practices from the employer prior to providing food handling or service for the clients. Documentation that the information or training has been provided to the individual must be kept on file by the employer.

Licensed adult family home providers or employees who hold individual food handler permits prior to June 30, 2005, will be required to maintain continuing education of .5 hours per year in order to maintain food handling and safety training. Licensed adult family home providers or employees who hold individual food handler permits prior to June 30, 2005, will not be required to renew the permit provided the continuing education requirement as stated above is met.

NEW SECTION. Sec. 7. *A new section is added to chapter 69.06 RCW to read as follows:*

Except for the food safety training standards adopted by the state board of health under RCW 69.06.010, the provisions of this chapter do not apply to

persons who work in adult family homes and successfully complete training and continuing education as required by section 6 of this act.

Passed by the House April 23, 2005.

Passed by the Senate April 7, 2005.

Approved by the Governor May 17, 2005, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Sections 3, 4, and 5, Substitute House Bill No. 1591 entitled:

"AN ACT Relating to care facilities."

Sections 3, 4, and 5 of this bill authorize licensure of a new category of larger adult family homes, known as special capacity adult family homes, which may serve seven or eight residents instead of up to only six residents. Adult family homes are an important component of our state's long-term care continuum and are favored by many families seeking a home-like, but safe living environment for an elderly or disabled family member. The intent behind this proposal is to make operating one of these facilities more economically viable. Expanding the size of these facilities, however, may make them less safe, less homelike, and more intrusive in neighborhood settings. Larger facilities would also likely incur higher staff and service costs. It is not clear that expanding their size would make them more economically viable. The idea of authorizing the expansion of adult family homes should be considered by the Long Term Care Task Force. The task force was created under Substitute House Bill No. 1220 this year, and will be considering both financial and capacity issues in our long-term care system over this next year.

For these reasons, I have vetoed Sections 3, 4, and 5 of Substitute House Bill No. 1591.

With the exception of Sections 3, 4, and 5, Substitute House Bill No. 1591 is approved."

CHAPTER 506

[Substitute House Bill 1606]

INFORMAL DISPUTE RESOLUTION PROCESS

AN ACT Relating to fairness in the informal dispute resolution process; amending RCW 18.20.195; and adding a new section to chapter 18.51 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 18.20.195 and 2004 c 140 s 5 are each amended to read as follows:

(1) The licensee or its designee has the right to an informal dispute resolution process to dispute any violation found or enforcement remedy imposed by the department during a licensing inspection or complaint investigation. The purpose of the informal dispute resolution process is to provide an opportunity for an exchange of information that may lead to the modification, deletion, or removal of a violation, or parts of a violation, or enforcement remedy imposed by the department.

(2) The informal dispute resolution process provided by the department shall include, but is not necessarily limited to, an opportunity for review by a department employee who did not participate in, or oversee, the determination of the violation or enforcement remedy under dispute. The department shall develop, or further develop, an informal dispute resolution process consistent with this section.

(3) A request for an informal dispute resolution shall be made to the department within ten working days from the receipt of a written finding of a violation or enforcement remedy. The request shall identify the violation or violations and enforcement remedy or remedies being disputed. The department shall convene a meeting, when possible, within ten working days of receipt of the request for informal dispute resolution, unless by mutual agreement a later date is agreed upon.

(4) If the department determines that a violation or enforcement remedy should not be cited or imposed, the department shall delete the violation or immediately rescind or modify the enforcement remedy. If the department determines that a violation should have been cited (~~or an enforcement remedy imposed~~) under a different more appropriate regulation, the department shall (~~add the citation or enforcement remedy~~) revise the report, statement of deficiencies, or enforcement remedy accordingly. Upon request, the department shall issue a clean copy of the revised report, statement of deficiencies, or notice of enforcement action.

(5) The request for informal dispute resolution does not delay the effective date of any enforcement remedy imposed by the department, except that civil monetary fines are not payable until the exhaustion of any formal hearing and appeal rights provided under this chapter. The licensee shall submit to the department, within the time period prescribed by the department, a plan of correction to address any undisputed violations, and including any violations that still remain following the informal dispute resolution.

***NEW SECTION. Sec. 2. A new section is added to chapter 18.51 RCW to read as follows:**

(1) A nursing home provider shall have the right to an informal review to present written evidence to refute the findings or deficiencies cited during a licensing or certification survey or a complaint investigation. The purpose of the informal dispute resolution process is to provide an opportunity for an exchange of information that may lead to the modification, deletion, or removal of a deficiency, or parts of a deficiency, cited by the department.

(2) The informal dispute resolution process provided by the department shall, at a minimum, be consistent with 42 C.F.R. 488.331 and the federal state operations manual and shall require the department when conducting an informal dispute resolution process with a nursing home provider or its designee to provide an opportunity for input from residents or resident representatives.

(3) If the department determines that a deficiency should not be cited, the department shall delete the deficiency. If the department determines that a deficiency should have been cited under a different more appropriate regulation, the department shall revise the statement of deficiencies accordingly. If the provider is successful in demonstrating that one or more deficiencies should not have been cited, the deficiency or deficiencies are removed from the statement of deficiencies and any enforcement action imposed solely as a result of the cited deficiency or deficiencies are rescinded. Upon request, the department shall issue a clean copy of the statement of deficiencies or notice of enforcement action. The request for informal dispute resolution does not delay the effective date of any enforcement remedy imposed by the department, except that civil monetary fines are not payable

until the exhaustion of any formal hearing and appeal rights provided under this chapter.

*Sec. 2 was vetoed. See message at end of chapter.

Passed by the House April 23, 2005.

Passed by the Senate April 14, 2005.

Approved by the Governor May 17, 2005, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 2, Substitute House Bill No. 1606 entitled:

"AN ACT Relating to fairness in the informal dispute resolution process."

Section 2 of this bill would create new statutory language regarding the state's nursing home informal dispute resolution process. The Department of Social and Health Services currently offers an informal dispute resolution process for all licensed nursing homes that is in compliance with federal regulations for Medicaid and Medicare-certified nursing homes. Section 2 of the bill would require modification of the current informal dispute resolution process to allow nursing home residents or their representatives to provide input. Nursing home residents currently have extensive input during the complaint investigations and licensing and certification surveys. The presence of residents or their representatives during informal dispute resolution sessions might have a chilling effect upon candid discussions regarding resident care issues and might limit the effectiveness of this tool for addressing resident care concerns quickly and less contentiously. The enacted 2005-2007 state operating budget does not include additional funding or staff to implement this program.

For these reasons, I have vetoed Section 2 of Substitute House Bill No. 1606.

With the exception of Section 2, Substitute House Bill No. 1606 is approved."

CHAPTER 507

[Substitute House Bill 1636]

CHILD CARE CAREER AND WAGE LADDER

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

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. **Sec. 1.** A new section is added to chapter 74.13 RCW to read as follows:

The legislature finds that as of 2000, child care workers in the state earned an average hourly wage of eight dollars and twenty-two cents, only fifty-eight percent received medical insurance through employers, only sixty-six percent received paid sick leave, and only seventy-three percent received paid vacation. The legislature further finds that low wages for child care workers create a barrier for individuals entering the profession, result in child care workers leaving the profession in order to earn a living wage in another profession, and make it difficult for child care workers to afford professional education and training. As a result, the availability of quality child care in the state suffers.

The legislature intends to increase wages to child care workers through establishing a child care career and wage ladder that provides increased wages for child care workers based on their work experience, level of responsibility, and education. To the extent practicable within available funds, this child care career and wage ladder shall mirror the successful child care career and wage ladder pilot project operated by the state between 2000 and 2003. While it is the

intent of the legislature to establish the vision of a statewide child care career and wage ladder that will enhance employment quality and stability for child care workers, the legislature also recognizes that funding allocations will determine the extent of statewide implementation of a child care career and wage ladder.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

(1) Subject to the availability of funds appropriated for this specific purpose, the division of child care and early learning in the department of social and health services shall establish a child care career and wage ladder in licensed child care centers that meet the following criteria: (a) At least ten percent of child care slots are dedicated to children whose care is subsidized by the state or any political subdivision thereof or any local government; (b) the center agrees to adopt the child care career and wage ladder, which, at a minimum, shall be at the same pay schedule as existed in the previous child care career and wage ladder pilot project; and (c) the center meets further program standards as established by rule pursuant to section 4 of this act.

The child care career and wage ladder shall include wage increments for levels of education, years of relevant experience, levels of work responsibility, relevant early childhood education credits, and relevant requirements in the state training and registry system.

(2) The division shall establish procedures for the allocation of funds to implement the child care career and wage ladder among child care centers meeting the criteria identified in subsection (1) of this section. In developing these procedures, the division shall:

(a) Review past efforts or administration of the child care career and wage ladder pilot project in order to take advantage of any findings, recommendations, or administrative practices that contributed to that pilot project's success;

(b) Consult with stakeholders, including organizations representing child care teachers and providers, in developing an allocation formula that incorporates consideration of geographic and demographic distribution of child care centers adopting the child care career and wage ladder; and

(c) Develop a system for prioritizing child care centers interested in adopting the child care career and wage ladder that is based on the criteria identified in subsection (1) of this section.

(3) Notwithstanding the requirements of subsection (2) of this section, child care centers meeting the criteria in subsection (1) of this section located in urban areas of the department of social and health services region one shall receive a minimum of fifteen percent of the funds allocated through the child care career and wage ladder, and of these centers, child care centers meeting the criteria in subsection (1) of this section participating in the department of social and health services Spokane tiered reimbursement pilot project shall have first priority for child care career and wage ladder funding.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

Child care centers adopting the child care career and wage ladder established pursuant to section 2 of this act shall increase wages for child care workers who have earned a high school diploma or GED certificate, gain

additional years of experience, or accept increasing levels of responsibility in providing child care, in accordance with the child care career and wage ladder. The adoption of a child care career and wage ladder shall not prohibit the provision of wage increases based upon merit. The department of social and health services shall pay wage increments for child care workers employed by child care centers adopting the child care career and wage ladder established pursuant to section 2 of this act who earn early childhood education credits or meet relevant requirements in the state training and registry system, in accordance with the child care career and wage ladder.

***NEW SECTION. Sec. 4.** *A new section is added to chapter 74.13 RCW to read as follows:*

The division of child care and early learning in the department of social and health services shall establish further program standards by rule. The division of child care and early learning shall also study the impact of the child care career and wage ladder on the quality of child care and the child care work force, and report its findings to the governor and the appropriate committees of the legislature by December 1, 2006.

*Sec. 4 was vetoed. See message at end of chapter.

Passed by the House April 18, 2005.

Passed by the Senate April 7, 2005.

Approved by the Governor May 17, 2005, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 4, Substitute House Bill No. 1636 entitled:

"AN ACT Relating to child care workers."

This bill establishes a childcare career and wage ladder in the Department of Social and Health Services (DSHS), and requires it to be implemented only if funds are appropriated for this purpose. Funds were not appropriated. Childcare career and wage ladders effectively increase the salary and benefits of childcare workers. The DSHS had a childcare career and wage ladder pilot project in place a few years ago but eliminated it when the WorkFirst Program faced a budget shortfall.

Section 4 would require the DSHS to establish program standards, study the impact of the childcare career and wage ladder on the quality of childcare and the childcare workforce, and report its findings to the Legislature by December 1, 2006. Section 4 is not subject to the "within funds specifically appropriated for this purpose" clause in the bill. Section 4 should be vetoed; it makes no sense for the DSHS to take the time to create a report for a program that does not exist.

For these reasons, I have vetoed Section 4 of Substitute House Bill No. 1636.

With the exception of Section 4, Substitute House Bill No. 1636 is approved."

CHAPTER 508

[Substitute House Bill 2073]

JUVENILE OFFENDERS—SENTENCING

AN ACT Relating to juvenile sentencing alternatives; and amending RCW 13.40.167.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 13.40.167 and 2003 c 378 s 4 are each amended to read as follows:

(1) When an offender is subject to a standard range (~~commitment of 15 to 65 weeks~~) disposition involving confinement by the department, the court may:

(a) Impose the standard range; or

(b) Suspend the standard range disposition on condition that the offender complies with the terms of this mental health disposition alternative.

(2) The court may impose this disposition alternative when the court finds the following:

(a) The offender has a current diagnosis, consistent with the American psychiatry association diagnostic and statistical manual of mental disorders, of axis I psychiatric disorder, excluding youth that are diagnosed as solely having a conduct disorder, oppositional defiant disorder, substance abuse disorder, paraphilia, or pedophilia;

(b) An appropriate treatment option is available in the local community;

(c) The plan for the offender identifies and addresses requirements for successful participation and completion of the treatment intervention program including: Incentives and graduated sanctions designed specifically for amenable youth, including the use of detention, detoxication, and in-patient or outpatient substance abuse treatment and psychiatric hospitalization, and structured community support consisting of mental health providers, probation, educational and vocational advocates, child welfare services, and family and community support. For any mental health treatment ordered for an offender under this section, the treatment option selected shall be chosen from among programs which have been successful in addressing mental health needs of juveniles and successful in mental health treatment of juveniles and identified as research-based best practice programs. A list of programs which meet these criteria shall be agreed upon by: The Washington association of juvenile court administrators, the juvenile rehabilitation administration of the department of social and health services, a representative of the division of public behavioral health and justice policy at the University of Washington, and the Washington institute for public policy. The list of programs shall be created not later than July 1, 2003. The group shall provide the list to all superior courts, its own membership, the legislature, and the governor. The group shall meet annually and revise the list as appropriate; and

(d) The offender, offender's family, and community will benefit from use of the mental health disposition alternative.

(3) The court on its own motion may order, or on motion by either party, shall order a comprehensive mental health evaluation to determine if the offender has a designated mental disorder. The court may also order a chemical dependency evaluation to determine if the offender also has a co-occurring chemical dependency disorder. The evaluation shall include at a minimum the following: The offender's version of the facts and the official version of the facts, the offender's offense, an assessment of the offender's mental health and drug-alcohol problems and previous treatment attempts, and the offender's social, criminal, educational, and employment history and living situation.

(4) The evaluator shall determine if the offender is amenable to research-based treatment. A proposed case management and treatment plan shall include at a minimum:

(a) The availability of treatment;

(b) Anticipated length of treatment;

(c) Whether one or more treatment interventions are proposed and the anticipated sequence of those treatment interventions;

(d) The education plan;

(e) The residential plan; and

(f) The monitoring plan.

(5) The court on its own motion may order, or on motion by either party, shall order a second mental health or chemical dependency evaluation. The party making the motion shall select the evaluator. The requesting party shall pay the cost of any examination ordered under this subsection and subsection (3) of this section unless the court finds the offender is indigent and no third party insurance coverage is available, in which case the state shall pay the cost.

(6) Upon receipt of the assessments, evaluations, and reports the court shall consider whether the offender and the community will benefit from use of the mental health disposition alternative. The court shall consider the victim's opinion whether the offender should receive the option.

(7) If the court determines that the mental health disposition alternative is appropriate, the court shall impose a standard range disposition (~~(of not more than 65 weeks)~~), suspend execution of the disposition, and place the offender on community supervision up to one year and impose one or more other local sanctions. Confinement in a secure county detention facility, other than county group homes, inpatient psychiatric treatment facilities, and substance abuse programs, shall be limited to thirty days. As a condition of a suspended disposition, the court shall require the offender to participate in the recommended treatment interventions.

(8) The treatment providers shall submit monthly reports to the court and parties on the offender's progress in treatment. The report shall reference the treatment plan and include at a minimum the following: Dates of attendance, offender's compliance with requirements, treatment activities, medication management, the offender's relative progress in treatment, and any other material specified by the court at the time of the disposition.

(9) If the offender fails to comply with the suspended disposition, the court may impose sanctions pursuant to RCW 13.40.200 or may revoke the suspended disposition and order the disposition's execution.

(10) An offender is ineligible for the mental health disposition option under this section if ~~((the offender is adjudicated of a sex or violent offense as defined in RCW 9.94A.030));~~

(a) The offender is ordered to serve a disposition for a firearm violation under RCW 13.40.193; or

(b) The offense for which the disposition is being considered is:

(i) An offense category A+, A, or A- offense, or an attempt, conspiracy, or solicitation to commit a class A+, A, or A- offense;

(ii) Manslaughter in the second degree (RCW 9A.32.070);

(iii) A sex offense as defined in RCW 9.94A.030; or

(iv) Any offense category B+ or B offense, when the offense includes infliction of bodily harm upon another or when during the commission or immediate withdrawal from the offense the respondent was armed with a deadly weapon.

(11) Subject to funds appropriated for this specific purpose, the costs incurred by the juvenile courts for the mental health and chemical dependency

evaluations, treatment, and costs of supervision required under this act shall be paid by the department's juvenile rehabilitation administration.

Passed by the House April 19, 2005.

Passed by the Senate April 13, 2005.

Approved by the Governor May 17, 2005.

Filed in Office of Secretary of State May 17, 2005.

CHAPTER 509

[Substitute House Bill 2169]

FAMILY DAY-CARE PROVIDERS—COUNTY LICENSING

AN ACT Relating to licensing of family day care; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) Notwithstanding RCW 74.15.030, counties with a population of three thousand or less may adopt and enforce ordinances and regulations as provided in this act for family day-care providers as defined in RCW 74.15.020(1)(f) as a twelve-month pilot project. Before a county may regulate family day-care providers in accordance with this act, it shall adopt ordinances and regulations that address, at a minimum, the following: (a) The size, safety, cleanliness, and general adequacy of the premises; (b) the plan of operation; (c) the character, suitability, and competence of a family day-care provider and other persons associated with a family day-care provider directly responsible for the care of children served; (d) the number of qualified persons required to render care; (e) the provision of necessary care, including food, clothing, supervision, and discipline; (f) the physical, mental, and social well-being of children served; (g) educational and recreational opportunities for children served; and (h) the maintenance of records pertaining to children served.

(2) The county shall notify the department of social and health services in writing sixty days prior to adoption of the family day-care regulations required pursuant to this act. The transfer of jurisdiction shall occur when the county has notified the department in writing of the effective date of the regulations, and shall be limited to a period of twelve months from the effective date of the regulations. Regulation by counties of family day-care providers as provided in this act shall be administered and enforced by those counties. The department shall not regulate these activities nor shall the department bear any civil liability under chapter 74.15 RCW for the twelve-month pilot period. Upon request, the department shall provide technical assistance to any county that is in the process of adopting the regulations required by this act, and after the regulations become effective.

(3) Any county regulating family day-care providers pursuant to this act shall report to the governor and the appropriate committees of the legislature concerning the outcome of the pilot project upon expiration of the twelve-month pilot period. The report shall include the ordinances and regulations adopted pursuant to subsection (1) of this section and a description of how those ordinances and regulations address the specific areas of regulation identified in subsection (1) of this section.

NEW SECTION. Sec. 2. 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.

Passed by the House April 20, 2005.

Passed by the Senate April 6, 2005.

Approved by the Governor May 17, 2005.

Filed in Office of Secretary of State May 17, 2005.

CHAPTER 510

[Substitute Senate Bill 5602]

LIVESTOCK NUTRIENT MANAGEMENT

AN ACT Relating to managing livestock nutrients; amending RCW 90.64.813 and 70.95.315; adding new sections to chapter 90.64 RCW; adding a new section to chapter 42.17 RCW; adding a new section to chapter 70.95 RCW; creating a new section; and providing a contingent expiration date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 90.64 RCW to read as follows:

(1) The legislature finds that a livestock nutrient management program is essential to protecting the quality of the waters of the state and ensuring a healthy and productive livestock industry.

(2) The departments of agriculture and ecology shall examine their current statutory authorities and provide the legislature with recommendations for statutory changes to fully implement a livestock nutrient management program within the department of agriculture for concentrated animal feeding operations, animal feeding operations, and dairies, as authorized in RCW 90.48.260, 90.64.813, and 90.64.901. In developing recommended statutory changes, the departments shall consult with the livestock nutrient management program development and oversight committee created in RCW 90.64.813. The recommendations must be submitted to the legislature by the departments of agriculture and ecology prior to applying to the environmental protection agency for delegated authority to administer the CAFO portion of the national pollutant discharge elimination system permit program under the federal clean water act.

(3) For purposes of this act, animal feeding operations (AFOs) and concentrated animal feeding operations (CAFOs) have the same meaning as defined in 40 C.F.R. 122.23.

(4) This section applies to all operations that meet the definition of an AFO. This section does not apply to true pasture and rangeland operations that do not meet the definition of AFO, however, such operations may have confinement areas that may qualify as an AFO.

**Sec. 2. RCW 90.64.813 and 2003 c 325 s 2 are each amended to read as follows:*

(1) A livestock nutrient management program development and oversight committee is created comprised of the following members(~~(-appointed as follows)~~):

(a) The director of the department of agriculture, or the director's designee, who shall serve as committee chair;

(b) *The director of the department of ecology, or the director's designee;*

(c) *A representative of the United States environmental protection agency, appointed by the regional director of the agency unless the agency chooses not to be represented on the committee;*

(d) *One member from each of the two major caucuses of the house of representatives, appointed by the speaker of the house of representatives, and one member from each of the two major caucuses of the senate, appointed by the president of the senate;*

(e) *A representative of commercial shellfish growers, nominated by an organization representing these growers, appointed by the ((governor)) director;*

((e)) (f) *A representative of an environmental interest organization with familiarity and expertise in water quality issues as nominated by a statewide environmental organization, appointed by the ((governor)) director;*

((f)) (g) *A representative of tribal governments as nominated by an organization representing tribal governments ((appointed by the governor));*

((g)) (h) *A representative of Washington State University appointed by the dean of the college of agriculture and home economics;*

((h)) (i) *A representative of the Washington association of conservation districts, appointed by the association's board of officers;*

((i)) (j) *Three representatives of dairy producers nominated by a statewide organization representing dairy producers in the state, appointed by the ((governor)) director;*

((j)) (k) *Two representatives of beef cattle producers nominated by a statewide organization representing beef cattle producers in the state, appointed by the ((governor)) director;*

((k)) (l) *One representative of poultry producers nominated by a statewide organization representing poultry producers in the state, appointed by the ((governor)) director;*

((l)) (m) *One representative of the commercial cattle feedlots nominated by a statewide organization representing commercial cattle feedlots in the state, appointed by the ((governor)) director; ((and))*

((m)) (n) *A representative of any other segment of the livestock industry determined by the director of agriculture to be subject to federal rules regulating animal feeding or concentrated animal feeding operations;*

(o) *One representative of horse owners nominated by a statewide organization representing horse owners in the state, appointed by the director; and*

(p) *One representative of sheep producers nominated by a statewide organization representing sheep producers in the state, appointed by the director.*

(2) *The state department of agriculture shall provide staff for the committee. The department of agriculture may request staff assistance be assigned by the United States environmental protection agency to assist the director in staffing the committee.*

(3) *The committee shall establish a work plan that includes a list of tasks and a projected completion date for each task.*

(4) *The committee may establish a subcommittee for each of the major industry segments that is covered by the recently adopted federal regulations*

that pertain to animal feeding operations and concentrated animal feeding operations. The subcommittee shall be composed of selected members of the full committee and additional representatives from that major segment of the livestock industry as determined by the director. The committee shall assign tasks to the subcommittees and shall establish dates for each subcommittee to report back to the full committee.

(5) The committee shall examine the recently adopted federal regulations that provide for the regulation of animal feeding operations and concentrated animal feeding operations and develop a program to be administered by the department of agriculture that meets the requirements and time frames contained in the federal rules. Elements that the committee shall evaluate include:

(a) A process for adopting standards and for developing plans for each operation that meet these standards;

(b) A process for revising current national pollution discharge elimination system permits currently held by livestock operations and to transition these permits into the new system; and

(c) In consultation with the director, a determination of what other work is needed and what other institutional relationships are needed or desirable. The committee shall consult with representatives of the statewide association of conservation districts regarding any functions or activities that are proposed to be provided through local conservation districts.

(6) The committee shall review and comment on proposals for grants from the livestock nutrient management account created in RCW 90.64.150.

(7) The committee shall develop draft proposed legislation that includes:

(a) Statutory changes, including a timeline to achieve the phased-in levels of regulation under federal law, to comply with the minimum requirements under federal law and the minimum requirements under chapter 90.48 RCW. These changes must meet the requirements necessary to enable the department of agriculture and the department of ecology to pursue the United States environmental protection agency's approval of the transfer of the permitting program as it relates to the concentrated animal feeding operations from the department of ecology to the department of agriculture;

(b) Statutory changes necessitated by the transfer of functions under chapter 90.64 RCW from the department of ecology to the department of agriculture;

(c) Continued inspection of dairy operations at least once every two years;

(d) An outreach and education program to inform the various animal feeding operations and concentrated animal feeding operations of the program's elements; and

(e) Annual reporting to the legislature on the progress of the state strategy for implementing the animal feeding operation and concentrated animal feeding operation.

(8) The committee shall provide a report by December 1, 2003, to appropriate committees of the legislature that includes the results of the committee's evaluation under subsection (5) of this section and draft legislation to initiate the program.

(9) The committee shall evaluate simplified nutrient management planning tools and systematic practices that can be offered to those livestock

operations not required to have permits or farm plans. The planning tools and systematic practices may include coordinated resource management and shall differentiate between types of operations, between stock restricted and open range areas, and between regional differences in average annual precipitation. The goal shall be to introduce these practical models through technical assistance, education, and outreach so that all livestock owners will have clear guidance on how to meet basic responsibilities to protect water quality. The committee shall report its recommendations on tools and service delivery options to appropriate committees of the legislature during the September 2005 assembly.

(10) With respect to the federal requirement that livestock nutrient management plans contain a component ensuring proper management of dead animals, the committee shall review issues concerning routine animal carcass disposal in Washington, including composting, rendering, burying, landfills, and incineration. The committee may appoint a subcommittee including appropriate technical staff from state agencies to undertake this task and make recommendations back to the full committee. At the legislative assembly in September 2005, the department of agriculture, the department of ecology, the state board of health, and committee representatives shall present reports as follows to the appropriate legislative committees:

(a) The department of ecology shall report on the status of off-site animal composting options that meet the livestock industry's need for disposal alternatives while assuring consumer protection and equity with other composters;

(b) The department of agriculture shall report on the status of a comprehensive, clearly written guidance document for the livestock industry on alternatives currently available for routine disposal of animal carcasses. The guidance document shall include, at a minimum, the disposal alternatives of rendering, burying, landfills, and composting; and

(c) The state board of health shall report on the status of rule making that clarifies burial depth, location of burial sites in relation to drinking water wells, and incineration.

(11) This section expires ((June 30, 2006)) when the federal environmental protection agency delegates authority for the NPDES CAFO program to the department of agriculture. The department of agriculture shall provide notice to the legislature of the date of any such delegation of authority.

*Sec. 2 was vetoed. See message at end of chapter.

NEW SECTION, Sec. 3. (1) The department of ecology shall develop and maintain a standard protocol for water quality monitoring of the waters of the state within the vicinity of dairies and CAFOs. The protocol shall include sampling methods and procedures and identify the water quality constituents to be monitored.

(2) The department of ecology shall submit the initial protocol developed according to this section to the appropriate committees of the legislature by December 1, 2005.

NEW SECTION, Sec. 4. A new section is added to chapter 90.64 RCW to read as follows:

This section applies to dairies, AFOs, and CAFOs, not required to apply for a permit. Information in plans, records, and reports obtained by state and local

agencies from livestock producers under this act regarding (1) number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields shall be disclosable in response to a request for public records under chapter 42.17 RCW only in ranges that provide meaningful information to the public while ensuring confidentiality of business information. The department of agriculture shall adopt rules to implement this section in consultation with affected state and local agencies.

NEW SECTION. Sec. 5. A new section is added to chapter 42.17 RCW to read as follows:

The following information in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations, not required to apply for a national pollutant discharge elimination system permit is disclosable only in ranges that provide meaningful information to the public while ensuring confidentiality of business information regarding: (1) Number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields. The department of agriculture shall adopt rules to implement this section in consultation with affected state and local agencies.

NEW SECTION. Sec. 6. A new section is added to chapter 70.95 RCW, to be codified after RCW 70.95.305, to read as follows:

(1) By July 1, 2005, the department of ecology and the department of agriculture, in consultation with the department of health, shall make available to livestock producers clearly written guidelines for the composting of bovine and equine carcasses for routine animal disposal.

(2) Composters of bovine and equine carcasses are exempt from the metals testing and permit requirements under the solid waste handling rules for compost that is distributed off-site if the following conditions are met:

(a) The carcasses to be composted are not known or suspected to be affected with a prion-protein disease such as bovine spongiform encephalopathy, a spore-forming disease such as anthrax or other diseases designated by the state veterinarian;

(b) The composter follows the written guidelines provided for in subsection (1) of this section;

(c) The composter does not accept for composting animal mortalities from other sources not directly affiliated with the composter's operation;

(d) The composter provides information to the end-user that includes the source of the material; the quality of the compost as to its nutrient content, pathogens, and stability; and the restrictions on use of the compost as stated in (f) of this subsection;

(e) The composter reports annually to the department the number of bovines and equines and the amounts of other material composted, including the composter's best estimate of the tonnage or yardage involved; and

(f) The end-user applies the compost only to agricultural lands that are not used for the production of root crops except as prescribed in the guidelines and

ensures no compost comes into contact with the crops harvested from the lands where the compost is applied.

(3) If a compost production facility does not operate in compliance with the terms and conditions established for an exemption in this section, the facility shall be subject to the permitting requirements for solid waste handling under this chapter.

Sec. 7. RCW 70.95.315 and 1998 c 156 s 7 are each amended to read as follows:

The department may assess a civil penalty in an amount not to exceed one thousand dollars per day per violation to any person exempt from solid waste permitting in accordance with RCW 70.95.300 (~~(or)~~), 70.95.305, or section 6 of this act who fails to comply with the terms and conditions of the exemption. Each such violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Passed by the Senate April 24, 2005.

Passed by the House April 23, 2005.

Approved by the Governor May 17, 2005, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Section 2, Substitute Senate Bill No. 5602 entitled:

"AN ACT Relating to managing livestock nutrients."

This bill directs the Departments of Agriculture and Ecology, together with legislators and affected and interested parties, to jointly develop recommendations for changes to the law to establish a single state livestock nutrient program within the Department of Agriculture.

The bill also calls for rules that will allow disclosure of farm plan information to provide meaningful information to the public while protecting confidential business information. It will also establish composting guidelines to ensure safe farm practices for disposal of dead animals in a way that protects animal health, water supplies and food supplies.

Section 2 of the bill amends the membership of the Development and Oversight Committee that works with the Department of Agriculture on this program. It also assigns them a couple new tasks, one of which would direct the agency and committee to develop nutrient management tools for smaller livestock producers that are not part of the new federal and state regulatory programs. While these tools could help smaller producers protect water quality, it would divert the limited state agency and committee resources away from the work needed to help larger producers comply with the new federal requirements.

To fulfill the Legislature's intent regarding the membership of the committee and the reporting requirements for composting of dead animals:

1. I will ask legislative leadership to appoint representatives to serve as members of the Development and Oversight Committee. I will also review the membership of the Development and Oversight Committee to ensure effective representation of affected and interested parties, and, as needed, seek nominations from statewide organizations to identify the best candidates for the committee.

2. I hereby direct the Departments of Agriculture and Ecology, and the Department of Health, working with the State Board of Health, to provide reports on their programs related to safe disposal of animal carcasses, including disposal through composting, rendering, burying, and land filling methods. I further direct that the agencies provide their reports to the assigned committees of the Legislature at their legislative assembly in September 2005.

For these reasons, I have vetoed Section 2 of Substitute Senate Bill No. 5602.

With the exception of Section 2, Substitute Senate Bill No. 5602 is approved."

CHAPTER 511

[Engrossed Senate Bill 5962]

AGRICULTURAL ACTIVITIES—NUISANCE CLAIMS—NOTICE

AN ACT Relating to customary agricultural practices; amending RCW 70.94.640; adding new sections to chapter 7.48 RCW; and adding a new section to chapter 64.06 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 7.48 RCW to read as follows:

(1) A farmer who prevails in any action, claim, or counterclaim alleging that agricultural activity on a farm constitutes a nuisance may recover the full costs and expenses determined by a court to have been reasonably incurred by the farmer as a result of the action, claim, or counterclaim.

(2) A farmer who prevails in any action, claim, or counterclaim (a) based on an allegation that agricultural activity on a farm is in violation of specified laws, rules, or ordinances, (b) where such activity is not found to be in violation of the specified laws, rules, or ordinances, and (c) actual damages are realized by the farm as a result of the action, claim, or counterclaim, may recover the full costs and expenses determined by a court to have been reasonably incurred by the farmer as a result of the action, claim, or counterclaim.

(3) The costs and expenses that may be recovered according to subsection (1) or (2) of this section include actual damages and reasonable attorneys' fees and costs. For the purposes of this subsection, "actual damages" include lost revenue and the replacement value of crops or livestock damaged or unable to be harvested or sold as a result of the action, claim, or counterclaim.

(4) In addition to any sums recovered according to subsection (1) or (2) of this section, a farmer may recover exemplary damages if a court finds that the action, claim, or counterclaim was initiated maliciously and without probable cause.

(5) A farmer may not recover the costs and expenses authorized in this section from a state or local agency that investigates or pursues an enforcement action pursuant to an allegation as specified in subsection (2) of this section.

NEW SECTION. Sec. 2. A new section is added to chapter 7.48 RCW to read as follows:

A state or local agency required to investigate a complaint alleging agricultural activity on a farm is in violation of specified laws, rules, or ordinances and where such activity is not found to be in violation of such specified laws, rules, or ordinances may recover its full investigative costs and expenses if a court determines that the complaint was initiated maliciously and without probable cause.

NEW SECTION. Sec. 3. A new section is added to chapter 64.06 RCW to read as follows:

A seller of real property located within one mile of the property boundary of a farm or farm operation shall make available to the buyer the following statement: "This notice is to inform prospective residents that the real property

they are about to acquire lies within one mile of the property boundary of a farm. The farm may generate usual and ordinary noise, dust, odors, and other associated conditions, and these practices are protected by the Washington right to farm act."

Sec. 4. RCW 70.94.640 and 1981 c 297 s 30 are each amended to read as follows:

(1) Odors or fugitive dust caused by agricultural activity consistent with good agricultural practices on agricultural land are exempt from the requirements of this chapter unless they have a substantial adverse effect on public health. In determining whether agricultural activity is consistent with good agricultural practices, the department of ecology or board of any authority shall consult with a recognized third-party expert in the activity prior to issuing any notice of violation.

(2) Any notice of violation issued under this chapter pertaining to odors or fugitive dust caused by agricultural activity shall include a statement as to why the activity is inconsistent with good agricultural practices, or a statement that the odors or fugitive dust have substantial adverse effect on public health.

(3) In any appeal to the pollution control hearings board or any judicial appeal, the agency issuing a final order pertaining to odors or fugitive dust caused by agricultural activity shall prove the activity is inconsistent with good agricultural practices or that the odors or fugitive dust have a substantial adverse impact on public health.

(4) If a person engaged in agricultural activity on a contiguous piece of agricultural land sells or has sold a portion of that land for residential purposes, the exemption of this section shall not apply.

(5) As used in this section:

(a) "Agricultural activity" means the growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, shellfish, grain, mint, hay, and dairy products.

(b) "Good agricultural practices" means economically feasible practices which are customary among or appropriate to farms and ranches of a similar nature in the local area.

(c) "Agricultural land" means at least five acres of land devoted primarily to the commercial production of livestock ~~((or))~~, agricultural commodities, or cultured aquatic products.

(d) "Fugitive dust" means a particulate emission made airborne by human activity, forces of wind, or both, and which do not pass through a stack, chimney, vent, or other functionally equivalent opening.

(6) The exemption for fugitive dust provided in subsection (1) of this section does not apply to facilities subject to RCW 70.94.151 as specified in WAC 173-400-100 as of the effective date of this act, 70.94.152, or 70.94.161.

Passed by the Senate April 19, 2005.

Passed by the House April 14, 2005.

Approved by the Governor May 17, 2005.

Filed in Office of Secretary of State May 17, 2005.

CHAPTER 512

[Engrossed Substitute Senate Bill 5922]

CHILD ABUSE OR NEGLECT—INVESTIGATIONS

AN ACT Relating to investigations of child abuse or neglect; amending RCW 26.44.100, 13.34.138, 26.44.015, 26.44.020, 74.13.031, and 13.34.050; adding a new section to chapter 26.44 RCW; creating new sections; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 26.44.100 and 1998 c 314 s 8 are each amended to read as follows:

(1) The legislature finds parents and children often are not aware of their due process rights when agencies are investigating allegations of child abuse and neglect. The legislature reaffirms that all citizens, including parents, shall be afforded due process, that protection of children remains the priority of the legislature, and that this protection includes protecting the family unit from unnecessary disruption. To facilitate this goal, the legislature wishes to ensure that parents and children be advised in writing and orally, if feasible, of their basic rights and other specific information as set forth in this chapter, provided that nothing contained in this chapter shall cause any delay in protective custody action.

(2) The department shall notify the ~~((alleged perpetrator of the))~~ parent, guardian, or legal custodian of a child of any allegations of child abuse ((and)) or neglect ((at the earliest possible point in the investigation that will not jeopardize the safety and protection of the child or the investigation process)) made against such person at the initial point of contact with such person, in a manner consistent with the laws maintaining the confidentiality of the persons making the complaints or allegations. Investigations of child abuse and neglect should be conducted in a manner that will not jeopardize the safety or protection of the child or the integrity of the investigation process.

Whenever the department completes an investigation of a child abuse or neglect report under chapter 26.44 RCW, the department shall notify the ~~((alleged perpetrator))~~ subject of the report ((and)) of the department's investigative findings. The notice shall also advise the ((alleged perpetrator)) subject of the report that:

(a) A written response to the report may be provided to the department and that such response will be filed in the record following receipt by the department;

(b) Information in the department's record may be considered in subsequent investigations or proceedings related to child protection or child custody;

(c) Founded reports of child abuse and neglect may be considered in determining whether the person is disqualified from being licensed to provide child care, employed by a licensed child care agency, or authorized by the department to care for children; and

(d) ~~((An alleged perpetrator))~~ A subject named in a founded report of child abuse or neglect has the right to seek review of the finding as provided in this chapter.

(3) The notification required by this section shall be made by certified mail, return receipt requested, to the person's last known address.

(4) The duty of notification created by this section is subject to the ability of the department to ascertain the location of the person to be notified. The

department shall exercise reasonable, good-faith efforts to ascertain the location of persons entitled to notification under this section.

(5) The department shall provide training to all department personnel who conduct investigations under this section that shall include, but is not limited to, training regarding the legal duties of the department from the initial time of contact during investigation through treatment in order to protect children and families.

NEW SECTION. Sec. 2. The legislature finds that whenever possible, children should remain in the home of their parents. It is only when the safety of the child is in jeopardy that the child should be removed from the home.

It is the intent of the legislature that the department of social and health services be permitted to intervene in cases of chronic neglect where the health, welfare, or safety of the child is at risk. One incident of neglect may not rise to the level requiring state intervention; however, a pattern of neglect has been shown to cause damage to the health and well-being of the child subject to the neglect.

It is the intent of the legislature that, when chronic neglect has been found to exist in a family, the legal system reinforce the need for the parent's early engagement in services that will decrease the likelihood of future neglect. However, if the parents fail to comply with the offered necessary and available services, the state has the authority to intervene to protect the children who are at risk. If a parent fails to engage in available substance abuse or mental health services necessary to maintain the safety of a child or a parent fails to correct substance abuse deficiencies that jeopardize the safety of a child, the state has the authority to intervene to protect a child.

Sec. 3. RCW 13.34.138 and 2003 c 227 s 5 are each amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first, at a hearing in which it shall be determined whether court supervision should continue. The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134. The review shall include findings regarding the agency and parental completion of disposition plan requirements, and if necessary, revised permanency time limits. This review shall consider both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements. The requirements for the initial review hearing, including the in-court requirement, shall be accomplished within existing resources. The supervising agency shall provide a foster parent, preadoptive parent, or relative with notice of, and their right to an opportunity to be heard in, a review hearing pertaining to the child, but only if that person is currently providing care to that child at the time of the hearing. This section shall not be construed to grant party status to any person who has been provided an opportunity to be heard.

(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) If the child is not returned home, the court shall establish in writing:

(i) Whether reasonable services have been provided to or offered to the parties to facilitate reunion, specifying the services provided or offered;

(ii) Whether the child has been placed in the least-restrictive setting appropriate to the child's needs, including whether consideration and preference has been given to placement with the child's relatives;

(iii) Whether there is a continuing need for placement and whether the placement is appropriate;

(iv) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(v) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(vi) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(vii) Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; if so, the court shall order that reasonable services be offered specifying such services; and

(viii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(c) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(2)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(3) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of

adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

~~((3))~~ (4) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 4. RCW 26.44.015 and 1999 c 176 s 28 are each amended to read as follows:

(1) This chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not injurious to the child's health, welfare, ~~((and))~~ or safety.

(2) Nothing in this chapter may be used to prohibit the reasonable use of corporal punishment as a means of discipline.

(3) No parent or guardian may be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.

Sec. 5. RCW 26.44.020 and 2000 c 162 s 19 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Court" means the superior court of the state of Washington, juvenile department.

(2) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) "Department" means the state department of social and health services.

(6) "Child" or "children" means any person under the age of eighteen years of age.

(7) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) "Abuse or neglect" means ~~((the injury,))~~ sexual abuse, sexual exploitation, ~~((negligent treatment, or maltreatment))~~ or injury of a child by any person under circumstances which ~~((indicate that))~~ cause harm to the child's health, welfare, ~~((and))~~ or safety ~~((is harmed))~~, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(13) "Child protective services section" means the child protective services section of the department.

(14) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(15) "Negligent treatment or maltreatment" means an act or ~~((omission))~~ a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to ~~((the))~~ a child's health, welfare, ~~((and))~~ or safety. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child do not constitute negligent treatment or maltreatment in and of themselves.

(16) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(17) "Malice" or "maliciously" means an evil intent, wish, or design to vex, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(18) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(19) "Unfounded" means available information indicates that, more likely than not, child abuse or neglect did not occur. No unfounded allegation of child abuse or neglect may be disclosed to a child-placing agency, private adoption agency, or any other provider licensed under chapter 74.15 RCW.

NEW SECTION. Sec. 6. A new section is added to chapter 26.44 RCW to read as follows:

(1) If the department, upon investigation of a report that a child has been abused or neglected as defined in this chapter, determines that the child has been subject to negligent treatment or maltreatment, the department may offer services to the child's parents, guardians, or legal custodians to: (a) Ameliorate the conditions that endangered the welfare of the child; or (b) address or treat the effects of mistreatment or neglect upon the child.

(2) When evaluating whether the child has been subject to negligent treatment or maltreatment, evidence of a parent's substance abuse as a contributing factor to a parent's failure to provide for a child's basic health, welfare, or safety shall be given great weight.

(3) If the child's parents, guardians, or legal custodians are available and willing to participate on a voluntary basis in in-home services, and the department determines that in-home services on a voluntary basis are appropriate for the family, the department may offer such services.

(4) In cases where the department has offered appropriate and reasonable services under subsection (1) of this section, and the parents, guardians, or legal custodians refuse to accept or fail to obtain available and appropriate treatment or services, or are unable or unwilling to participate in or successfully and substantially complete the treatment or services identified by the department, the department may initiate a dependency proceeding under chapter 13.34 RCW on the basis that the negligent treatment or maltreatment by the parent, guardian, or legal custodian constitutes neglect. When evaluating whether to initiate a dependency proceeding on this basis, the evidence of a parent's substance abuse as a contributing factor to the negligent treatment or maltreatment shall be given great weight.

(5) Nothing in this section precludes the department from filing a dependency petition as provided in chapter 13.34 RCW if it determines that such action is necessary to protect the child from abuse or neglect.

(6) Nothing in this section shall be construed to create in any person an entitlement to services or financial assistance in paying for services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or if the child or family is not eligible for such services.

****Sec. 7. RCW 74.13.031 and 2004 c 183 s 3 are each amended to read as follows:***

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3)(a) Investigate ~~((complaints of any recent act or failure to act))~~ any reports of child abuse or neglect, as defined in chapter 26.44 RCW, on the part of a parent, guardian, or legal custodian of the child, member of the household of such persons, an agency providing care to the child as defined in chapter 74.15 RCW, or other caretaker ((that)) of the child who is serving in place of the parent if the child abuse or neglect results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm((, and on the basis of the findings of such investigation, offer)). Evidence of a parent's substance abuse as a contributing factor to the alleged abuse or neglect shall be considered to present an imminent risk of serious harm to the child.

(b) Offer child welfare services ((in relation to the problem to such)), where warranted, to parents, legal custodians, or persons serving in ((~~the~~ parents)) the place of the parent, ((and/or)) or bring the situation to the attention of an appropriate court, or another community agency((~~PROVIDED, That~~)), including the appropriate law enforcement agency if the investigation reveals that a crime against a child may have been committed. However, an investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in ((~~the~~ parents)) the place of the parent. ((If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.))

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor out-of-home placements, on a timely and routine basis, to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010, and annually submit a report measuring the extent to which the department achieved the specified goals to the governor and the legislature.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) *Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.*

(8) *Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.*

(9) *Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.*

(10) *Have authority to provide continued foster care or group care for individuals from eighteen through twenty years of age to enable them to complete their high school or vocational school program.*

(11) *Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child.*

(12) *Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.*

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) *Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.*

(14) *Have authority to provide independent living services to youths, including individuals eighteen through twenty years of age, who are or have been in foster care.*

**Sec. 7 was vetoed. See message at end of chapter.*

**NEW SECTION. Sec. 8. The legislature recognizes that the fiscal and workload impact of this act may not be fully determined until after it is implemented and that such impact may further be affected by the funding or availability of community-based prevention and remedial services. For that reason, the department of social and health services shall report on the implementation of this act to the appropriate legislative committees and the governor by December 1, 2006. The report shall include information regarding any change over previous years in the number and type of child*

abuse and neglect referrals received and investigations conducted, any change in in-home and out-of-home dependency placements and/or filings, any increased service costs, barriers to implementation, and an assessment of the fiscal and workload impact on the department. Such information shall be reviewed by the legislature for possible amendment of this act or additional allocation of resources to the department for implementation purposes.

*Sec. 8 was vetoed. See message at end of chapter.

Sec. 9. RCW 13.34.050 and 2000 c 122 s 3 are each amended to read as follows:

(1) The court may enter an order directing a law enforcement officer, probation counselor, or child protective services official to take a child into custody if: (a) A petition is filed with the juvenile court alleging that the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody; (b) an affidavit or declaration is filed by the department in support of the petition setting forth specific factual information evidencing reasonable grounds that the child's health, safety, and welfare will be seriously endangered if not taken into custody and at least one of the grounds set forth demonstrates a risk of imminent harm to the child. "Imminent harm" for purposes of this section shall include, but not be limited to, circumstances of sexual abuse, ~~((or))~~ sexual exploitation as defined in RCW 26.44.020, and a parent's failure to perform basic parental functions, obligations, and duties as the result of substance abuse; and (c) the court finds reasonable grounds to believe the child is dependent and that the child's health, safety, and welfare will be seriously endangered if not taken into custody.

(2) Any petition that does not have the necessary affidavit or declaration demonstrating a risk of imminent harm requires that the parents are provided notice and an opportunity to be heard before the order may be entered.

(3) The petition and supporting documentation must be served on the parent, and if the child is in custody at the time the child is removed, on the entity with custody other than the parent. Failure to effect service does not invalidate the petition if service was attempted and the parent could not be found.

NEW SECTION. **Sec. 10.** This act takes effect January 1, 2007.

NEW SECTION. **Sec. 11.** This act may be known and cited as the Justice and Raiden Act.

Passed by the Senate April 23, 2005.

Passed by the House April 21, 2005.

Approved by the Governor May 17, 2005, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Sections 7 and 8, Engrossed Substitute Senate Bill No. 5922 entitled:

"AN ACT Relating to investigations of child abuse or neglect."

The 2005-2007 state operating budget as passed by the Legislature does not include all of the funding that the Department of Social and Health Services' (DSHS) Children's Administration has initially estimated would be needed for full implementation of this bill. I am directing the Children's Administration to develop a policy for staff to provide guidance in identifying and prioritizing those

cases involving allegations of chronic neglect that staff will be authorized to provide enhanced services to within the limits of new funding specifically appropriated for this purpose in the budget.

Section 7 specifies that, as regards to reports of child abuse or neglect, evidence of a parent's substance abuse as a contributing factor shall be considered to present an imminent risk of serious harm to the child. The DSHS' child protective services investigators are required to respond to all reports indicating an imminent risk of serious harm to a child within twenty-four hours. Elevating all reports in which substance abuse is alleged to imminent risk is unnecessary. Parental substance abuse is already one of the factors considered when determining the risk level of the referral. Automatically coding all cases with substance abuse as imminent risk cases will lead to focusing emergent investigative resources on non-emergent cases.

Section 8 requires the DSHS to complete a report regarding issues associated with implementation of this bill by December 1, 2006. The bill does not take effect, however, until January 1, 2007.

For these reasons, I have vetoed Sections 7 and 8 of Engrossed Substitute Senate Bill No. 5922.

With the exception of Sections 7 and 8, Engrossed Substitute Senate Bill No. 5922 is approved."

CHAPTER 513

[Engrossed Substitute House Bill 2221]

EXCISE TAXATION—FRUIT AND VEGETABLES

AN ACT Relating to the excise taxation of fruit and vegetable processing and storage; amending RCW 82.08.820 and 82.12.820; reenacting and amending RCW 82.04.260; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 82 RCW; providing effective dates; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

This chapter shall not apply to amounts received from:

- (1) Canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables; or
- (2) Selling at wholesale fresh fruits and vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport in the ordinary course of business the goods out of this state. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record.

Sec. 2. RCW 82.04.260 and 2003 2nd sp.s. c 1 s 4 and 2003 2nd sp.s. c 1 s 3 are each reenacted and amended to read as follows:

(1) Upon every person engaging within this state in the business of manufacturing:

(a) Wheat into flour, barley into pearl barley, soybeans into soybean oil, canola into canola oil, canola meal, or canola byproducts, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour, pearl barley, oil, canola meal, or canola byproduct manufactured, multiplied by the rate of 0.138 percent;

(b) Seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of 0.138 percent;

~~(c) ((By canning, preserving, freezing, processing, or dehydrating fresh fruits and vegetables, or selling at wholesale fresh fruits and vegetables canned, preserved, frozen, processed, or dehydrated by the seller and sold to purchasers who transport in the ordinary course of business the goods out of this state; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen, processed, or dehydrated multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record;~~

~~((d)) Dairy products that as of September 20, 2001, are identified in 21 C.F.R., chapter 1, parts 131, 133, and 135, including byproducts from the manufacturing of the dairy products such as whey and casein; or selling the same to purchasers who transport in the ordinary course of business the goods out of state; as to such persons the tax imposed shall be equal to the value of the products manufactured multiplied by the rate of 0.138 percent. As proof of sale to a person who transports in the ordinary course of business goods out of this state, the seller shall annually provide a statement in a form prescribed by the department and retain the statement as a business record;~~

~~((e)) (d) Until July 1, 2009, alcohol fuel, biodiesel fuel, or biodiesel feedstock, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel, biodiesel fuel, or biodiesel feedstock manufactured, multiplied by the rate of 0.138 percent((This subsection (1)(c) expires July 1, 2009)); and~~

~~((f)) (e) Alcohol fuel or wood biomass fuel, as those terms are defined in RCW 82.29A.135; as to such persons the amount of tax with respect to the business shall be equal to the value of alcohol fuel or wood biomass fuel manufactured, multiplied by the rate of 0.138 percent.~~

(2) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of 0.138 percent.

(3) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.484 percent.

(4) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of 0.138 percent.

(5) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of 0.275 percent.

(6) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with

respect to such business shall be equal to the value of the products manufactured multiplied by the rate of 0.275 percent.

(7) Upon every person engaging within this state in the business of acting as a travel agent or tour operator; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(8) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of 0.275 percent.

(9) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of 0.275 percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: Wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(10) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.200 RCW, multiplied by the rate of 3.3 percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(11) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall

be equal to the gross income of such business multiplied by the rate of 0.484 percent.

(12) Upon every person engaging within this state in business as a hospital, as defined in chapter 70.41 RCW, that is operated as a nonprofit corporation or by the state or any of its political subdivisions, as to such persons, the amount of tax with respect to such activities shall be equal to the gross income of the business multiplied by the rate of 0.75 percent through June 30, 1995, and 1.5 percent thereafter. The moneys collected under this subsection shall be deposited in the health services account created under RCW 43.72.900.

(13)(a) Beginning October 1, 2005, upon every person engaging within this state in the business of manufacturing commercial airplanes, or components of such airplanes, as to such persons the amount of tax with respect to such business shall, in the case of manufacturers, be equal to the value of the product manufactured, or in the case of processors for hire, be equal to the gross income of the business, multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(b) Beginning October 1, 2005, upon every person engaging within this state in the business of making sales, at retail or wholesale, of commercial airplanes, or components of such airplanes, manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the airplanes or components multiplied by the rate of:

(i) 0.4235 percent from October 1, 2005, through the later of June 30, 2007, or the day preceding the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550; and

(ii) 0.2904 percent beginning on the later of July 1, 2007, or the date final assembly of a superefficient airplane begins in Washington state, as determined under RCW 82.32.550.

(c) For the purposes of this subsection (13), "commercial airplane," "component," and "final assembly of a superefficient airplane" have the meanings given in RCW 82.32.550.

(d) In addition to all other requirements under this title, a person eligible for the tax rate under this subsection (13) must report as required under RCW 82.32.545.

(e) This subsection (13) does not apply after the earlier of: July 1, 2024; or December 31, 2007, if assembly of a superefficient airplane does not begin by December 31, 2007, as determined under RCW 82.32.550.

NEW SECTION. Sec. 3. A new section is added to chapter 82.32 RCW to read as follows:

(1) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(2) Each person claiming a tax exemption under section 1 of this act shall report information to the department by filing a complete annual survey. The

survey is due by March 31st of the year following any calendar year in which a tax exemption under section 1 of this act is taken. The survey shall include the amount of tax exemption taken. The survey shall also include the following information for employment positions in Washington:

- (a) The number of total employment positions;
- (b) Full-time, part-time, and temporary employment positions as a percent of total employment;
- (c) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and
- (d) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

The first survey filed under this subsection shall also include information for the twelve-month period immediately before first use of a tax incentive.

(3) The department may request additional information necessary to measure the results of the exemption program, to be submitted at the same time as the survey.

(4) All information collected under this section, except the amount of the tax exemption taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax exemption taken is not subject to the confidentiality provisions of RCW 82.32.330.

(5) If a person fails to submit an annual survey under subsection (2) of this section by the due date of the report, the department shall declare the amount of taxes exempted for the previous calendar year to be immediately due and payable. The department shall assess interest, but not penalties, on the amounts due under this section. The amount due shall be calculated using a rate of 0.138 percent. The interest shall be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date the exemption was claimed, and shall accrue until the taxes for which the exemption was claimed are repaid. This information is not subject to the confidentiality provisions of RCW 82.32.330.

(6) The department shall use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(7) The department shall study the tax exemption authorized in section 1 of this act. The department shall submit a report to the finance committee of the house of representatives and the ways and means committee of the senate by December 1, 2011. The report shall measure the effect of the exemption on job creation, job retention, company growth, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax deferral under this chapter.

(2) "Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing.

(3) "Department" means the department of revenue.

(4) "Eligible investment project" means an investment in qualified buildings or qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project. The lessor or owner of a qualified building is not eligible for a deferral unless (a) the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person; or (b)(i) the lessor by written contract agrees to pass the economic benefit of the deferral to the lessee in the form of reduced rent payments, and (ii) the lessee that receives the economic benefit of the deferral agrees in writing with the department to complete the annual survey under section 7 of this act. The economic benefit of the deferral to the lessee may be evidenced by any type of payment, credit, or any other financial arrangement between the lessor or owner of the qualified building and the lessee.

(5) "Fresh fruit and vegetable processing" means manufacturing as defined in RCW 82.04.120 which consists of the canning, preserving, freezing, processing, or dehydrating fresh fruits and/or vegetables.

(6)(a) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031 for:

(i) Construction of the qualified building, if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral;

(ii) Construction of the qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (4) of this section; or

(iii) Tenant improvements for a qualified building, if the economic benefits of the deferral are passed to a lessee as provided in subsection (4) of this section.

(b) "Initiation of construction" does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building.

(c) If the investment project is a phased project, "initiation of construction" applies separately to each phase.

(7) "Person" has the meaning given in RCW 82.04.030.

(8) "Qualified buildings" means construction of new structures, and expansion or renovation of existing structures for the purpose of increasing floor space or production capacity used for fresh fruit and vegetable processing, cold storage warehouse, and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, plant, or laboratory used for fresh fruit and vegetable processing, cold storage warehousing, or research and development. If a building is used partly for fresh fruit and vegetable processing, cold storage warehousing, or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) "Qualified machinery and equipment" means all industrial and research fixtures, equipment, and support facilities that are an integral and necessary part

of a fresh fruit and vegetable processing, cold storage warehouse, or research and development operation. "Qualified machinery and equipment" includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(10) "Recipient" means a person receiving a tax deferral under this chapter.

(11) "Research and development" means the development, refinement, testing, marketing, and commercialization of a product, service, or process related to fresh fruit and vegetable processing or cold storage warehousing before commercial sales have begun. As used in this subsection, "commercial sales" excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

NEW SECTION. Sec. 5. (1) Application for deferral of taxes under this chapter must be made before initiation of the construction of the investment project or acquisition of equipment or machinery. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the investment project, the applicant's average employment in the state for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department.

(2) The department shall rule on the application within sixty days. The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium.

(3) No application may be made under this chapter for a project for which a refund is requested under RCW 82.08.820 or 82.12.820.

NEW SECTION. Sec. 6. (1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project if the investment project is undertaken for the purpose of fresh fruit and vegetable processing, cold storage warehousing, or research and development.

(2) This section expires July 1, 2012.

NEW SECTION. Sec. 7. (1)(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) Each recipient of a deferral granted under this chapter shall complete an annual survey. If the economic benefits of the deferral are passed to a lessee as provided in section 4(4) of this act, the lessee shall complete the annual survey and the applicant is not required to complete the annual survey. The survey is due by March 31st of the year following the calendar year in which the investment project is certified by the department as having been operationally complete and each of the seven succeeding calendar years. The survey shall include the amount of tax deferred. The survey shall also include the following information for employment positions in Washington:

(i) The number of total employment positions;

(ii) Full-time, part-time, and temporary employment positions as a percent of total employment;

(iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and

(iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) The department may request additional information necessary to measure the results of the deferral program, to be submitted at the same time as the survey.

(d) All information collected under this subsection, except the amount of the tax deferral taken, is deemed taxpayer information under RCW 82.32.330. Information on the amount of tax deferral taken is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(e) The department shall use the information from this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

(f) The department shall also use the information to study the tax deferral program authorized under this chapter. The department shall report to the legislature by December 1, 2011. The report shall measure the effect of the program on job creation, the number of jobs created for residents of eligible areas, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

(2)(a) If a recipient of the deferral fails to complete the annual survey required under subsection (1) of this section by the date due, twelve and one-half percent of the deferred tax shall be immediately due. If the economic benefits of the deferral are passed to a lessee as provided in section 4(4) of this act, the lessee shall be responsible for payment to the extent the lessee has received the economic benefit. The department shall assess interest, but not penalties, on the amounts due under this section. The interest shall be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, and shall accrue until the amounts due are repaid.

(b) A recipient who must repay deferred taxes under section 8(2) of this act because the department has found that an investment project is used for purposes other than fresh fruit and vegetable processing, cold storage warehousing, or research and development is no longer required to file annual surveys under this section beginning on the date an investment project is used for nonqualifying purposes.

NEW SECTION. Sec. 8. (1) Except as provided in subsection (2) of this section, taxes deferred under this chapter need not be repaid.

(2) If, on the basis of survey under section 7 of this act or other information, the department finds that an investment project is used for purposes other than

fresh fruit and vegetable processing, cold storage warehousing, or research and development at any time during the calendar year in which the investment project is certified by the department as having been operationally completed, or at any time during any of the seven succeeding calendar years, a portion of deferred taxes shall be immediately due according to the following schedule:

Year in which use occurs	% of deferred taxes due
1	100%
2	87.5%
3	75%
4	62.5%
5	50%
6	37.5%
7	25%
8	12.5%

(3) The department shall assess interest, but not penalties, on the deferred taxes under subsection (2) of this section. The interest shall be assessed at the rate provided for delinquent taxes under chapter 82.32 RCW, retroactively to the date of deferral, and shall accrue until the deferred taxes are repaid. The debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient. Transfer of ownership does not terminate the deferral. The deferral is transferred, subject to the successor meeting the eligibility requirements of this chapter, for the remaining periods of the deferral.

(4) Notwithstanding subsection (2) of this section, deferred taxes on the following need not be repaid:

(a) Machinery and equipment, and sales of or charges made for labor and services, which at the time of purchase would have qualified for exemption under RCW 82.08.02565; and

(b) Machinery and equipment which at the time of first use would have qualified for exemption under RCW 82.12.02565.

NEW SECTION. Sec. 9. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 10. Applications received by the department under this chapter are not confidential and are subject to disclosure.

Sec. 11. RCW 82.08.820 and 1997 c 450 s 2 are each amended to read as follows:

(1) Wholesalers or third-party warehousemen who own or operate warehouses or grain elevators and retailers who own or operate distribution centers, and who have paid the tax levied by RCW 82.08.020 on:

(a) Material-handling and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Construction of a warehouse or grain elevator, including materials, and including service and labor costs,

are eligible for an exemption in the form of a remittance. The amount of the remittance is computed under subsection (3) of this section and is based on the state share of sales tax.

(2) For purposes of this section and RCW 82.12.820:

(a) "Agricultural products" has the meaning given in RCW 82.04.213;

(b) "Cold storage warehouse" means a storage warehouse used to store fresh and/or frozen perishable fruits or vegetables, or any combination thereof, at a desired temperature to maintain the quality of the product for orderly marketing;

(c) "Construction" means the actual construction of a warehouse or grain elevator that did not exist before the construction began. "Construction" includes expansion if the expansion adds at least twenty-five thousand square feet of additional space to an existing cold storage warehouse, at least two hundred thousand square feet of additional space to an existing warehouse other than a cold storage warehouse, or additional storage capacity of at least one million bushels to an existing grain elevator. "Construction" does not include renovation, remodeling, or repair;

~~((e))~~ (d) "Department" means the department of revenue;

~~((d))~~ (e) "Distribution center" means a warehouse that is used exclusively by a retailer solely for the storage and distribution of finished goods to retail outlets of the retailer. "Distribution center" does not include a warehouse at which retail sales occur;

~~((e))~~ (f) "Finished goods" means tangible personal property intended for sale by a retailer or wholesaler. "Finished goods" does not include agricultural products stored by wholesalers, third-party warehouses, or retailers if the storage takes place on the land of the person who produced the agricultural product. "Finished goods" does not include logs, minerals, petroleum, gas, or other extracted products stored as raw materials or in bulk;

~~((f))~~ (g) "Grain elevator" means a structure used for storage and handling of grain in bulk;

~~((g))~~ (h) "Material-handling equipment and racking equipment" means equipment in a warehouse or grain elevator that is primarily used to handle, store, organize, convey, package, or repackage finished goods. The term includes tangible personal property with a useful life of one year or more that becomes an ingredient or component of the equipment, including repair and replacement parts. The term does not include equipment in offices, lunchrooms, restrooms, and other like space, within a warehouse or grain elevator, or equipment used for nonwarehousing purposes. "Material-handling equipment" includes but is not limited to: Conveyers, carousels, lifts, positioners, pick-up-and-place units, cranes, hoists, mechanical arms, and robots; mechanized systems, including containers that are an integral part of the system, whose purpose is to lift or move tangible personal property; and automated handling, storage, and retrieval systems, including computers that control them, whose purpose is to lift or move tangible personal property; and forklifts and other off-the-road vehicles that are used to lift or move tangible personal property and that cannot be operated legally on roads and streets. "Racking equipment" includes, but is not limited to, conveying systems, chutes, shelves, racks, bins, drawers, pallets, and other containers and storage devices that form a necessary part of the storage system;

~~((h))~~ (i) "Person" has the meaning given in RCW 82.04.030;

~~((+))~~ (j) "Retailer" means a person who makes "sales at retail" as defined in chapter 82.04 RCW of tangible personal property;

~~((+))~~ (k) "Square footage" means the product of the two horizontal dimensions of each floor of a specific warehouse. The entire footprint of the warehouse shall be measured in calculating the square footage, including space that juts out from the building profile such as loading docks. "Square footage" does not mean the aggregate of the square footage of more than one warehouse at a location or the aggregate of the square footage of warehouses at more than one location;

~~((+))~~ (l) "Third-party warehouse" means a person taxable under RCW 82.04.280(4);

~~((+))~~ (m) "Warehouse" means an enclosed building or structure in which finished goods are stored. A warehouse building or structure may have more than one storage room and more than one floor. Office space, lunchrooms, restrooms, and other space within the warehouse and necessary for the operation of the warehouse are considered part of the warehouse as are loading docks and other such space attached to the building and used for handling of finished goods. Landscaping and parking lots are not considered part of the warehouse. A storage yard is not a warehouse, nor is a building in which manufacturing takes place; and

~~((+))~~ (n) "Wholesaler" means a person who makes "sales at wholesale" as defined in chapter 82.04 RCW of tangible personal property, but "wholesaler" does not include a person who makes sales exempt under 82.04.330.

(3)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.08.020. The buyer may then apply to the department for remittance of all or part of the tax paid under RCW 82.08.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more, other than cold storage warehouses, and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment. For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the

material-handling equipment and racking equipment; location and size of warehouses and grain elevators; and construction invoices and documents.

(c) The department shall on a quarterly basis remit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(4) Warehouses, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, 82.61, 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Warehouses and grain elevators upon which construction was initiated before May 20, 1997, are not eligible for a remittance under this section.

(5) The lessor or owner of a warehouse or grain elevator is not eligible for a remittance under this section unless the underlying ownership of the warehouse or grain elevator and the material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the remittance to the lessee in the form of reduced rent payments.

Sec. 12. RCW 82.12.820 and 2003 c 5 s 13 are each amended to read as follows:

(1) Wholesalers or third-party warehouse owners who own or operate warehouses or grain elevators, and retailers who own or operate distribution centers, and who have paid the tax levied under RCW 82.12.020 on:

(a) Material-handling equipment and racking equipment and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment; or

(b) Materials incorporated in the construction of a warehouse or grain elevator, are eligible for an exemption on tax paid in the form of a remittance or credit against tax owed. The amount of the remittance or credit is computed under subsection (2) of this section and is based on the state share of use tax.

(2)(a) A person claiming an exemption from state tax in the form of a remittance under this section must pay the tax imposed by RCW 82.12.020 to the department. The person may then apply to the department for remittance of all or part of the tax paid under RCW 82.12.020. For grain elevators with bushel capacity of one million but less than two million, the remittance is equal to fifty percent of the amount of tax paid. For warehouses with square footage of two hundred thousand or more, other than cold storage warehouses, and for grain elevators with bushel capacity of two million or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction materials, and fifty percent of the amount of tax paid for qualifying material-handling equipment and racking equipment. For cold storage warehouses with square footage of twenty-five thousand or more, the remittance is equal to one hundred percent of the amount of tax paid for qualifying construction, materials, service, and labor, and one hundred percent of the amount of tax paid for qualifying material-handling equipment and racking equipment, and labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the equipment.

(b) The department shall determine eligibility under this section based on information provided by the buyer and through audit and other administrative records. The buyer shall on a quarterly basis submit an information sheet, in a form and manner as required by the department by rule, specifying the amount

of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The buyer shall retain, in adequate detail to enable the department to determine whether the equipment or construction meets the criteria under this section: Invoices; proof of tax paid; documents describing the material-handling equipment and racking equipment; location and size of warehouses, if applicable; and construction invoices and documents.

(c) The department shall on a quarterly basis remit or credit exempted amounts to qualifying persons who submitted applications during the previous quarter.

(3) Warehouse, grain elevators, and material-handling equipment and racking equipment for which an exemption, credit, or deferral has been or is being received under chapter 82.60, 82.61, 82.62, or 82.63 RCW or RCW 82.08.02565 or 82.12.02565 are not eligible for any remittance under this section. Materials incorporated in warehouses and grain elevators upon which construction was initiated prior to May 20, 1997, are not eligible for a remittance under this section.

(4) The lessor or owner of the warehouse or grain elevator is not eligible for a remittance or credit under this section unless the underlying ownership of the warehouse or grain elevator and material-handling equipment and racking equipment vests exclusively in the same person, or unless the lessor by written contract agrees to pass the economic benefit of the exemption to the lessee in the form of reduced rent payments.

(5) The definitions in RCW 82.08.820 apply to this section.

NEW SECTION. **Sec. 13.** Sections 4 through 10 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. **Sec. 14.** This act takes effect July 1, 2007, except for sections 1 through 3 of this act which 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 July 1, 2005.

Passed by the House April 22, 2005.

Passed by the Senate April 23, 2005.

Approved by the Governor May 17, 2005.

Filed in Office of Secretary of State May 17, 2005.

CHAPTER 514

[Engrossed Substitute House Bill 2314]

REVENUE AND TAXATION

AN ACT Relating to revenue and taxation; amending RCW 82.04.060, 82.12.0251, 82.12.0255, 82.12.035, 82.08.010, 82.14.020, 82.14.020, 82.08.150, 69.50.520, 82.04.2908, 82.04.4463, 82.29A.130, 82.71.020, 82.04.4452, 84.52.068, 43.84.092, 43.84.092, 69.50.520, 70.146.030, and 83.100.—; amending 2004 c 153 s 502 (uncodified); amending 2003 1st sp.s. c 16 s 6 (uncodified); reenacting and amending RCW 82.04.050, 82.04.190, 82.12.010, 82.12.020, and 82.12.040; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding new sections to chapter 82.32 RCW; adding a new section to chapter 83.100 RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 28A.505 RCW; adding a new chapter to Title 43 RCW; adding a new chapter to Title 82 RCW; creating new sections; providing effective dates; providing expiration dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

PART I
EXTENDED WARRANTIES, SELF-SERVICE LAUNDRY,
AND DIRECT MAIL DELIVERY CHARGES

Sec. 101. RCW 82.04.050 and 2004 c 174 s 3 and 2004 c 153 s 407 are each reenacted and amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; (~~(e)~~)

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280 (2) and (7), 82.04.290, and 82.04.2908; or

(f) Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection (7) of this section, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use

of ~~((coin-operated))~~ self-service laundry facilities ~~((when such facilities are situated in an apartment house, rooming house, or mobile home park for the exclusive use of the tenants thereof)),~~ and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) The sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it shall be presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(g) The sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), (e), and (f) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection (1) of this section and

nothing contained in subsection (1) of this section shall be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services.

(4)(a) The term shall also include:

(i) The renting or leasing of tangible personal property to consumers; and

(ii) Providing tangible personal property along with an operator for a fixed or indeterminate period of time. A consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (4)(a)(ii), an operator must do more than maintain, inspect, or set up the tangible personal property.

(b) The term shall not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall also include the sale of prewritten computer software other than a sale to a person who presents a resale certificate under RCW 82.04.470, regardless of the method of delivery to the end user, but shall not include custom software or the customization of prewritten computer software.

(7) The term shall also include the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, "extended warranty" means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of extended warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the

agreement. For purposes of this subsection, "sales price" has the same meaning as in RCW 82.08.010.

~~(8)~~ (9) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

~~((8))~~ (9) The term shall also not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor shall it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; and (c) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3) or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

~~((9))~~ (10) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor shall the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development.

Sec. 102. RCW 82.04.060 and 2002 c 367 s 1 are each amended to read as follows:

"Sale at wholesale" or "wholesale sale" means: (1) Any sale of tangible personal property, any sale of services defined as a retail sale in RCW 82.04.050(2)(a), any sale of amusement or recreation services as defined in RCW 82.04.050(3)(a), any sale of canned software, any sale of an extended warranty as defined in RCW 82.04.050(7), or any sale of telephone service as defined in RCW 82.04.065, which is not a sale at retail; and (2) any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers: PROVIDED, That the term "real or personal property" as used in this subsection shall not include any natural products named in RCW 82.04.100.

Sec. 103. RCW 82.04.190 and 2004 c 174 s 4 and 2004 c 2 s 8 are each reenacted and amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale or (d) (~~purchases for the purpose~~) of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon or (e) of satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7), if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person;

(2)(a) Any person engaged in any business activity taxable under RCW 82.04.290 or 82.04.2908; (b) any person who purchases, acquires, or uses any telephone service as defined in RCW 82.04.065, other than for resale in the regular course of business; (c) any person who purchases, acquires, or uses any service defined in RCW 82.04.050(2)(a) (~~or any amusement and recreation service defined in RCW 82.04.050(3)(a))~~), other than for resale in the regular course of business or for the purpose of satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7); ~~and~~ (d) any person who purchases, acquires, or uses any amusement and recreation service defined in RCW 82.04.050(3)(a), other than for resale in the regular course of business; ~~(e)~~ any person who is an end user of software; and (f) any person who purchases or acquires an extended warranty as defined in RCW 82.04.050(7) other than for resale in the regular course of business;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right of way of such

street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation; also, any person engaged in the business of clearing land and moving earth of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person, except that consumer does not include any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, or any instrumentality thereof, if the investment project would qualify for sales and use tax deferral under chapter 82.63 RCW if undertaken by a private entity;

(7) Any person who is a lessor of machinery and equipment, the rental of which is exempt from the tax imposed by RCW 82.08.020 under RCW 82.08.02565, with respect to the sale of or charge made for tangible personal property consumed in respect to repairing the machinery and equipment, if the tangible personal property has a useful life of less than one year. Nothing contained in this or any other subsection of this section shall be construed to modify any other definition of "consumer"; ~~((and))~~

(8) Any person engaged in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development; and

(9) Any person who is an owner, lessee, or has the right of possession of tangible personal property that, under the terms of an extended warranty as defined in RCW 82.04.050(7), has been repaired or is replacement property, but only with respect to the sale of or charge made for the repairing of the tangible personal property or the replacement property.

Sec. 104. RCW 82.12.010 and 2003 c 168 s 102 and 2003 c 5 s 1 are each reenacted and amended to read as follows:

For the purposes of this chapter:

(1) "Purchase price" means the same as sales price as defined in RCW 82.08.010.

(2)(a) "Value of the article used" shall be the purchase price for the article of tangible personal property, the use of which is taxable under this chapter. The term also includes, in addition to the purchase price, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules as the department may prescribe.

(b) In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe. In case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules as the department of revenue may prescribe.

(c) In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than one hundred eighty days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used shall be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in (a) of this subsection.

(d) In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

(e) In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used shall be determined by: (i) The retail selling price of such new or improved product when first offered for sale; or (ii) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(f) In the case of an article purchased with a direct pay permit under RCW 82.32.087, the value of the article used shall be determined by the purchase price of such article if, but for the use of the direct pay permit, the transaction would have been subject to sales tax;

(3) "Value of the service used" means the purchase price for the service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value thereof, the value of the service used shall be determined as nearly as possible according to the retail selling price at place of use of similar services of like quality and character under rules the department may prescribe;

(4) "Value of the extended warranty used" means the purchase price for the extended warranty, the use of which is taxable under this chapter. If the extended warranty is received by gift or under conditions wherein the purchase price does not represent the true value of the extended warranty, the value of the extended warranty used shall be determined as nearly as possible according to the retail selling price at place of use of similar extended warranties of like quality and character under rules the department may prescribe;

(5) "Use," "used," "using," or "put to use" shall have their ordinary meaning, and shall mean:

(a) With respect to tangible personal property, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption within this state; ~~((and))~~

(b) With respect to a service defined in RCW 82.04.050(2)(a), the first act within this state after the service has been performed by which the taxpayer takes or assumes dominion or control over the article of tangible personal property upon which the service was performed (as a consumer), and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state; and

(c) With respect to an extended warranty, the first act within this state after the extended warranty has been acquired by which the taxpayer takes or assumes dominion or control over the article of tangible personal property to which the extended warranty applies, and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

~~((5))~~ (6) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW;

~~((6))~~ (7) "Retailer" means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter;

~~((7))~~ (8) "Extended warranty" has the same meaning as in RCW 82.04.050(7);

(9) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the

meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. With respect to property distributed to persons within this state by a consumer as defined in this subsection (~~((7))~~) (9), the use of the property shall be deemed to be by such consumer.

Sec. 105. RCW 82.12.020 and 2003 c 361 s 302 and 2003 c 168 s 214 are each reenacted and 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); (~~((b))~~) (b) any prewritten computer software, regardless of the method of delivery, but excluding prewritten computer software that is either provided free of charge or is provided for temporary use in viewing information, or both; or (c) any extended warranty.

(2) This tax shall apply to the use of every extended warranty, service defined as a retail sale in RCW 82.04.050 (2)(a) or (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) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property, extended warranty, or service taxable under RCW 82.04.050 (2)(a) or (3)(a), purchased at retail or acquired by lease, gift, or bailment if the sale to, or the use by, the present user or his bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his bailor or donor.

(4) Except as provided in this section, payment by one purchaser or user of tangible personal property, extended warranty, 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, extended warranty, or service from the taxes imposed by such chapters. If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor; or in respect to the use of property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use; or in respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961, the tax imposed by this chapter does not apply.

(5) The tax shall be levied and collected in an amount equal to the value of the article used, value of the extended warranty used, or value of the service used by the taxpayer multiplied by the rates in effect for the retail sales tax under

RCW 82.08.020, except in the case of a seller required to collect use tax from the purchaser, the tax shall be collected in an amount equal to the purchase price multiplied by the rate in effect for the retail sales tax under RCW 82.08.020.

Sec. 106. RCW 82.12.0251 and 2003 c 5 s 18 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use:

(1) Of any article of tangible personal property, and services that were rendered in respect to such property, brought into the state of Washington by a nonresident thereof for his or her use or enjoyment while temporarily within the state of Washington unless such property is used in conducting a nontransitory business activity within the state of Washington;

(2) By a nonresident of Washington of a motor vehicle or trailer which is registered or licensed under the laws of the state of his or her residence, and which is not required to be registered or licensed under the laws of Washington, including motor vehicles or trailers exempt pursuant to a declaration issued by the department of licensing under RCW 46.85.060, and services rendered outside the state of Washington in respect to such property;

(3) Of household goods, personal effects, and private motor vehicles, and services rendered in respect to such property, by a bona fide resident of Washington, or nonresident members of the armed forces who are stationed in Washington pursuant to military orders, if such articles and services were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than ninety days prior to the time he or she entered Washington. For purposes of this subsection, private motor vehicles (~~does not~~) do not include motor homes(-);

(4) Of an extended warranty, to the extent that the property covered by the extended warranty is exempt under this section from the tax imposed under this chapter.

For purposes of this section, "state" means a state of the United States, any political subdivision thereof, the District of Columbia, and any foreign country or political subdivision thereof, and "services" means services defined as retail sales in RCW 82.04.050(2)(a).

Sec. 107. RCW 82.12.0255 and 2003 c 5 s 4 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of any article of tangible personal property, extended warranty, or service which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States.

Sec. 108. RCW 82.12.035 and 2002 c 367 s 5 are each amended to read as follows:

A credit shall be allowed against the taxes imposed by this chapter upon the use of tangible personal property, extended warranty, or services taxable under RCW 82.04.050 (2)(a) or (3)(a), in the state of Washington in the amount that the present user thereof or his or her bailor or donor has paid a retail sales or use tax with respect to such property, extended warranty, or service to any other state of the United States, any political subdivision thereof, the District of Columbia, and any foreign country or political subdivision thereof, prior to the use of such property, extended warranty, or service in Washington.

Sec. 109. RCW 82.12.040 and 2003 c 168 s 215 and 2003 c 76 s 4 are each reenacted and amended to read as follows:

(1) Every person who maintains in this state a place of business or a stock of goods, or engages in business activities within this state, shall obtain from the department a certificate of registration, and shall, at the time of making sales of tangible personal property, extended warranties, or sales of any service defined as a retail sale in RCW 82.04.050 (2)(a) or (3)(a), or making transfers of either possession or title, or both, of tangible personal property for use in this state, collect from the purchasers or transferees the tax imposed under this chapter. The tax to be collected under this section shall be in an amount equal to the purchase price multiplied by the rate in effect for the retail sales tax under RCW 82.08.020. For the purposes of this chapter, the phrase "maintains in this state a place of business" shall include the solicitation of sales and/or taking of orders by sales agents or traveling representatives. For the purposes of this chapter, "engages in business activity within this state" includes every activity which is sufficient under the Constitution of the United States for this state to require collection of tax under this chapter. The department shall in rules specify activities which constitute engaging in business activity within this state, and shall keep the rules current with future court interpretations of the Constitution of the United States.

(2) Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property, extended warranties, or sales of any service defined as a retail sale in RCW 82.04.050 (2)(a) or (3)(a), of his or her principals for use in this state, shall, at the time such sales are made, collect from the purchasers the tax imposed on the purchase price under this chapter, and for that purpose shall be deemed a retailer as defined in this chapter.

(3) The tax required to be collected by this chapter shall be deemed to be held in trust by the retailer until paid to the department and any retailer who appropriates or converts the tax collected to the retailer's own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed shall be guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the department in the manner prescribed, whether such failure is the result of the seller's own acts or the result of acts or conditions beyond the seller's control, the seller shall nevertheless, be personally liable to the state for the amount of such tax, unless the seller has taken from the buyer in good faith a copy of a direct pay permit issued under RCW 82.32.087.

(4) Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter shall be guilty of a misdemeanor.

(5) Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if:

(a) The person's activities in this state, whether conducted directly or through another person, are limited to:

- (i) The storage, dissemination, or display of advertising;
- (ii) The taking of orders; or

(iii) The processing of payments; and

(b) The activities are conducted electronically via a web site on a server or other computer equipment located in Washington that is not owned or operated by the person making sales into this state nor owned or operated by an affiliated person. "Affiliated persons" has the same meaning as provided in RCW 82.04.424.

(6) Subsection (5) of this section expires when: (a) The United States congress grants individual states the authority to impose sales and use tax collection duties on remote sellers; or (b) it is determined by a court of competent jurisdiction, in a judgment not subject to review, that a state can impose sales and use tax collection duties on remote sellers.

Sec. 110. RCW 82.08.010 and 2004 c 153 s 406 are each amended to read as follows:

For the purposes of this chapter:

(1) "Selling price" includes "sales price." "Sales price" means the total amount of consideration, except separately stated trade-in property of like kind, including cash, credit, property, and services, for which tangible personal property, extended warranties, or services defined as a "retail sale" under RCW 82.04.050 are sold, leased, or rented, valued in money, whether received in money or otherwise. No deduction from the total amount of consideration is allowed for the following: (a) The seller's cost of the property sold; (b) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller; (c) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges; (d) delivery charges; (e) installation charges; and (f) the value of exempt tangible personal property given to the purchaser where taxable and exempt tangible personal property have been bundled together and sold by the seller as a single product or piece of merchandise.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department may prescribe.

"Selling price" or "sales price" does not include: Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale; interest, financing, and carrying charges from credit extended on the sale of tangible personal property, extended warranties, or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser; and any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(2) "Seller" means every person, including the state and its departments and institutions, making sales at retail or retail sales to a buyer, purchaser, or consumer, whether as agent, broker, or principal, except "seller" does not mean the state and its departments and institutions when making sales to the state and its departments and institutions;

(3) "Buyer," "purchaser," and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof;

(4) "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing;

(5) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address;

(6) The meaning attributed in chapter 82.04 RCW to the terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale," "business," "engaging in business," "cash discount," "successor," "consumer," "in this state" and "within this state" shall apply equally to the provisions of this chapter;

~~((6))~~ (7) For the purposes of the taxes imposed under this chapter and under chapter 82.12 RCW, "tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam, and prewritten computer software;

(8) "Extended warranty" has the same meaning as in RCW 82.04.050(7).

Sec. 111. RCW 82.14.020 and 2003 c 168 s 502 are each amended to read as follows:

For purposes of this chapter:

(1) A retail sale consisting solely of the sale of tangible personal property shall be deemed to have occurred at the retail outlet at or from which delivery is made to the consumer;

(2) A retail sale consisting essentially of the performance of personal, business, or professional services shall be deemed to have occurred at the place at which such services were primarily performed, except that for the performance of a tow truck service, as defined in RCW 46.55.010, the retail sale shall be deemed to have occurred at the place of business of the operator of the tow truck service;

(3) A retail sale consisting of the rental of tangible personal property shall be deemed to have occurred (a) in the case of a rental involving periodic rental payments, at the place of primary use by the lessee during the period covered by each payment, or (b) in all other cases, at the place of first use by the lessee;

(4) A retail sale within the scope of RCW 82.04.050(2), and a retail sale of taxable personal property to be installed by the seller shall be deemed to have occurred at the place where the labor and services involved were primarily performed;

(5)(a) A retail sale consisting of the providing to a consumer of telephone service, as defined in RCW 82.04.065, other than a sale of tangible personal property under subsection (1) of this section or a rental of tangible personal property under subsection (3) of this section or a sale of mobile telecommunications services, shall be deemed to have occurred at the situs of the telephone or other instrument through which the telephone service is rendered;

(b) A retail sale consisting of the providing of telecommunications services shall be sourced in accordance with RCW 82.32.520;

(6) A retail sale of linen and uniform supply services is deemed to occur as provided in RCW 82.08.0202;

(7) A retail sale consisting of an extended warranty shall be deemed to have occurred at the business location of the seller if the extended warranty is received by the purchaser at that location. If an extended warranty is not received by the purchaser at the business location of the seller, a retail sale of an extended warranty shall be deemed to have occurred at the location where receipt by the buyer occurs;

(8) "City" means a city or town;

~~((8))~~ (9) The meaning ascribed to words and phrases in chapters 82.04, 82.08 and 82.12 RCW, as now or hereafter amended, insofar as applicable, shall have full force and effect with respect to taxes imposed under authority of this chapter;

~~((9))~~ (10) "Taxable event" shall mean any retail sale, or any use, upon which a state tax is imposed pursuant to chapter 82.08 or 82.12 RCW, as they now exist or may hereafter be amended: PROVIDED, HOWEVER, That the term shall not include a retail sale taxable pursuant to RCW 82.08.150, as now or hereafter amended;

~~((10))~~ (11) "Treasurer or other legal depository" shall mean the treasurer or legal depository of a county or city.

Sec. 112. RCW 82.14.020 and 2003 c 168 s 503 are each amended to read as follows:

For purposes of this chapter:

(1) A retail sale consisting solely of the sale of tangible personal property shall be deemed to have occurred at the retail outlet at or from which delivery is made to the consumer;

(2) A retail sale consisting essentially of the performance of personal, business, or professional services shall be deemed to have occurred at the place at which such services were primarily performed, except that for the performance of a tow truck service, as defined in RCW 46.55.010, the retail sale shall be deemed to have occurred at the place of business of the operator of the tow truck service;

(3) A retail sale consisting of the rental of tangible personal property shall be deemed to have occurred (a) in the case of a rental involving periodic rental payments, at the primary place of use by the lessee during the period covered by each payment, or (b) in all other cases, at the place of first use by the lessee;

(4) A retail sale within the scope of RCW 82.04.050(2), and a retail sale of taxable personal property to be installed by the seller shall be deemed to have occurred at the place where the labor and services involved were primarily performed;

(5) A retail sale consisting of the providing of telecommunications services shall be sourced in accordance with RCW 82.32.520;

(6) A retail sale of linen and uniform supply services is deemed to occur as provided in RCW 82.08.0202;

(7) A retail sale consisting of an extended warranty shall be deemed to have occurred at the business location of the seller if the extended warranty is received by the purchaser at that location. If an extended warranty is not received by the purchaser at the business location of the seller, a retail sale of an extended warranty shall be deemed to have occurred at the location where receipt by the buyer occurs;

(8) "City" means a city or town;

~~((8))~~ (9) The meaning ascribed to words and phrases in chapters 82.04, 82.08 and 82.12 RCW, as now or hereafter amended, insofar as applicable, shall have full force and effect with respect to taxes imposed under authority of this chapter;

~~((9))~~ (10) "Taxable event" shall mean any retail sale, or any use, upon which a state tax is imposed pursuant to chapter 82.08 or 82.12 RCW, as they now exist or may hereafter be amended: PROVIDED, HOWEVER, That the term shall not include a retail sale taxable pursuant to RCW 82.08.150, as now or hereafter amended;

~~((10))~~ (11) "Treasurer or other legal depository" shall mean the treasurer or legal depository of a county or city.

Sec. 113. 2004 c 153 s 502 (uncodified) is amended to read as follows:

(1) If a court of competent jurisdiction enters a final judgment on the merits that is based on federal or state law, is no longer subject to appeal, and substantially limits or impairs the essential elements of P.L. 106-252, 4 U.S.C. Secs. 116 through 126, or chapter 67, Laws of 2002, then chapter 67, Laws of 2002 is null and void in its entirety.

(2) If the contingency in subsection (1) of this section occurs, section 502, chapter 168, Laws of 2003 is null and void.

(3) If the contingency in subsection (1) of this section occurs, section 410, chapter 153, Laws of 2004 is null and void.

(4) If the contingency in subsection (1) of this section occurs, section 111, chapter ..., Laws of 2005 (section 111 of this act) is null and void.

NEW SECTION. **Sec. 114.** A new section is added to chapter 82.04 RCW to read as follows:

(1) In computing tax there may be deducted from the measure of tax, amounts derived from delivery charges made for the delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(2) "Delivery charges" and "direct mail" have the same meanings as in RCW 82.08.010.

NEW SECTION. **Sec. 115.** A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to delivery charges made for the delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

NEW SECTION. Sec. 116. A new section is added to chapter 82.12 RCW to read as follows:

(1) The tax levied by this chapter does not apply to the value of delivery charges made for the delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(2) "Delivery charges" and "direct mail" have the same meanings as in RCW 82.08.010.

PART II LIQUOR

Sec. 201. RCW 82.08.150 and 2003 c 167 s 11 are each amended to read as follows:

(1) There is levied and shall be collected a tax upon each retail sale of spirits in the original package at the rate of fifteen percent of the selling price. The tax imposed in this subsection shall apply to all such sales including sales by the Washington state liquor stores and agencies, but excluding sales to spirits, beer, and wine restaurant licensees.

(2) There is levied and shall be collected a tax upon each sale of spirits in the original package at the rate of ten percent of the selling price on sales by Washington state liquor stores and agencies to spirits, beer, and wine restaurant licensees.

(3) There is levied and shall be collected an additional tax upon each retail sale of spirits in the original package at the rate of one dollar and seventy-two cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to spirits, beer, and wine restaurant licensees.

(4) An additional tax is imposed equal to fourteen percent multiplied by the taxes payable under subsections (1), (2), and (3) of this section.

(5) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of seven cents per liter. The additional tax imposed in this subsection shall apply to all such sales including sales by Washington state liquor stores and agencies, and including sales to spirits, beer, and wine restaurant licensees. All revenues collected during any month from this additional tax shall be deposited in the violence reduction and drug enforcement account under RCW 69.50.520 by the twenty-fifth day of the following month.

(6)(a) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and seven-tenths percent of the selling price through June 30, 1995, two and six-tenths percent of the selling price for the period July 1, 1995, through June 30, 1997, and three and four-tenths of the selling price thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, but excluding sales to spirits, beer, and wine restaurant licensees.

(b) An additional tax is imposed upon retail sale of spirits in the original package at the rate of one and one-tenth percent of the selling price through June 30, 1995, one and seven-tenths percent of the selling price for the period July 1,

1995, through June 30, 1997, and two and three-tenths of the selling price thereafter. This additional tax applies to all such sales to spirits, beer, and wine restaurant licensees.

(c) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of twenty cents per liter through June 30, 1995, thirty cents per liter for the period July 1, 1995, through June 30, 1997, and forty-one cents per liter thereafter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, and including sales to spirits, beer, and wine restaurant licensees.

(d) All revenues collected during any month from additional taxes under this subsection shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

(7)(a) An additional tax is imposed upon each retail sale of spirits in the original package at the rate of one dollar and thirty-three cents per liter. This additional tax applies to all such sales including sales by Washington state liquor stores and agencies, but excluding sales to spirits, beer, and wine restaurant licensees.

(b) All revenues collected during any month from additional taxes under this subsection shall be deposited by the twenty-fifth day of the following month as follows:

(i) 97.5 percent into the general fund;

(ii) 2.3 percent into the health services account created under RCW 43.72.900; and

(iii) 0.2 percent into the violence reduction and drug enforcement account created under RCW 69.50.520.

(8) The tax imposed in RCW 82.08.020 shall not apply to sales of spirits in the original package.

~~((8))~~ (9) The taxes imposed in this section shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale under this section. The taxes required by this section to be collected by the seller shall be stated separately from the selling price and for purposes of determining the tax due from the buyer to the seller, it shall be conclusively presumed that the selling price quoted in any price list does not include the taxes imposed by this section.

~~((9))~~ (10) As used in this section, the terms, "spirits" and "package" shall have the meaning ascribed to them in chapter 66.04 RCW.

Sec. 202. RCW 69.50.520 and 2004 c 276 s 912 are each 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(9)(a), 82.08.150 (5) and (7)(b)(iii), 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 2003-2005 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, funding drug offender treatment services in accordance with RCW 70.96A.350, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, maintenance and operating costs of the juvenile rehabilitation administration's client activity tracking system, civil indigent legal representation, multijurisdictional narcotics task forces, and grants to community networks under chapter 70.190 RCW by the family policy council.

PART III BOARDING HOMES

NEW SECTION. Sec. 301. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received by a nonprofit boarding home licensed under chapter 18.20 RCW for providing room and domiciliary care to residents of the boarding home.

(2) As used in this section:

(a) "Domiciliary care" has the meaning provided in RCW 18.20.020.

(b) "Nonprofit boarding home" means a boarding home that is operated as a religious or charitable organization, is exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3), is incorporated under chapter 24.03 RCW, is operated as part of a nonprofit hospital, or is operated as part of a public hospital district.

Sec. 302. RCW 82.04.2908 and 2004 c 174 s 1 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of providing room and domiciliary care to residents of a boarding home licensed under chapter 18.20 RCW, the amount of tax with respect to such business shall be equal to the gross income ~~((from such services))~~ of the business, multiplied by the rate of 0.275 percent.

~~(2) ((If the persons described in subsection (1) of this section receive income from sources other than those described in subsection (1) of this section or provide services other than those named in subsection (1) of this section, that income and those services are subject to tax as otherwise provided in this chapter.~~

~~(3))~~ For the purposes of this section, "domiciliary care" has the ~~((same))~~ meaning ~~((as))~~ provided in RCW 18.20.020.

PART IV COMPREHENSIVE CANCER CENTERS

NEW SECTION. Sec. 401. A new section is added to chapter 82.04 RCW to read as follows:

(1) This chapter does not apply to amounts received by a comprehensive cancer center to the extent the amounts are exempt from federal income tax.

(2) For the purposes of this section, "comprehensive cancer center" means a cancer center that has written confirmation that it is recognized by the national cancer institute as a comprehensive cancer center and that qualifies as an exempt organization under 26 U.S.C. Sec. 501(c)(3) as existing on the effective date of this section.

NEW SECTION. Sec. 402. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to the sale of medical supplies, chemicals, or materials to a comprehensive cancer center. The exemption in this section does not apply to the sale of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

(2) For the purposes of this section, the following definitions apply:

(a) "Comprehensive cancer center" has the meaning provided in section 401 of this act.

(b) "Chemical" means any catalyst, solvent, water, acid, oil, or other additive that physically or chemically interacts with blood, bone, or tissue.

(c) "Materials" means any item of tangible personal property, including, but not limited to, bags, packs, collecting sets, filtering materials, testing reagents, antisera, and refrigerants used or consumed in performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

(d) "Research" means basic and applied research that has as its objective the design, development, refinement, testing, marketing, or commercialization of a product, service, or process.

(e) "Medical supplies" means any item of tangible personal property, including any repair and replacement parts for such tangible personal property, used by a comprehensive cancer center for the purpose of performing research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue. The term includes tangible personal property used to:

(i) Provide preparatory treatment of blood, bone, or tissue;

(ii) Control, guide, measure, tune, verify, align, regulate, test, or physically support blood, bone, or tissue; and

(iii) Protect the health and safety of employees or others present during research on, procuring, testing, processing, storing, packaging, distributing, or using blood, bone, or tissue.

NEW SECTION. Sec. 403. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of medical supplies, chemicals, or materials by a comprehensive cancer center. The exemption in this section does not apply to the use of construction materials, office equipment, building equipment, administrative supplies, or vehicles.

(2) The definitions in sections 401 and 402 of this act apply to this section.

PART V COMMERCIAL AIRPLANE MANUFACTURING

Sec. 501. RCW 82.04.4463 and 2003 2nd sp.s. c 1 s 15 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for property taxes paid during the calendar year.

(2) The credit is equal to:

(a)(i) Property taxes paid on new buildings, and land upon which this property is located, built after December 1, 2003, and used exclusively in manufacturing commercial airplanes or components of such airplanes; or

(ii) Property taxes attributable to an increase in assessed value due to the renovation or expansion, after December 1, 2003, of a building used exclusively in manufacturing commercial airplanes or components of such airplanes; and

(b) An amount equal to property taxes paid on machinery and equipment exempt under RCW 82.08.02565 or 82.12.02565 ((used in manufacturing commercial airplanes or components of such airplanes)) and acquired after December 1, 2003, multiplied by a fraction. The numerator of the fraction is the total taxable amount subject to the tax imposed under RCW 82.04.260(13) and the denominator of the fraction is the total taxable amount subject to the tax imposed under all manufacturing classifications in chapter 82.04 RCW, required to be reported on the person's returns for the calendar year before the calendar year in which the credit under this section is earned. No credit is available under this subsection (2)(b) if either the numerator or the denominator of the fraction is zero. If the fraction is greater than or equal to nine-tenths, then the fraction is rounded to one. For purposes of this subsection, "returns" means the combined excise tax returns for the calendar year.

(3) For the purposes of this section, "commercial passenger airplane" and "component" have the meanings given in RCW 82.32.550.

(4) A person taking the credit under this section is subject to all the requirements of chapter 82.32 RCW. In addition, the person must report as required under RCW 82.32.545. A credit earned during one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year, but may not be carried over a second year. No refunds may be granted for credits under this section.

(5) In addition to all other requirements under this title, a person taking the credit under this section must report as required under RCW 82.32.545.

(6) This section expires July 1, 2024.

PART VI AMPHITHEATERS

Sec. 601. RCW 82.29A.130 and 1999 c 165 s 21 are each amended to read as follows:

The following leasehold interests shall be exempt from taxes imposed pursuant to RCW 82.29A.030 and 82.29A.040:

(1) All leasehold interests constituting a part of the operating properties of any public utility which is assessed and taxed as a public utility pursuant to chapter 84.12 RCW.

(2) All leasehold interests in facilities owned or used by a school, college or university which leasehold provides housing for students and which is otherwise exempt from taxation under provisions of RCW 84.36.010 and 84.36.050.

(3) All leasehold interests of subsidized housing where the fee ownership of such property is vested in the government of the United States, or the state of Washington or any political subdivision thereof but only if income qualification exists for such housing.

(4) All leasehold interests used for fair purposes of a nonprofit fair association that sponsors or conducts a fair or fairs which receive support from revenues collected pursuant to RCW 67.16.100 and allocated by the director of the department of agriculture where the fee ownership of such property is vested

in the government of the United States, the state of Washington or any of its political subdivisions: PROVIDED, That this exemption shall not apply to the leasehold interest of any sublessee of such nonprofit fair association if such leasehold interest would be taxable if it were the primary lease.

(5) All leasehold interests in any property of any public entity used as a residence by an employee of that public entity who is required as a condition of employment to live in the publicly owned property.

(6) All leasehold interests held by enrolled Indians of lands owned or held by any Indian or Indian tribe where the fee ownership of such property is vested in or held in trust by the United States and which are not subleased to other than to a lessee which would qualify pursuant to this chapter, RCW 84.36.451 and 84.40.175.

(7) All leasehold interests in any real property of any Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States: PROVIDED, That this exemption shall apply only where it is determined that contract rent paid is greater than or equal to ninety percent of fair market rental, to be determined by the department of revenue using the same criteria used to establish taxable rent in RCW 82.29A.020(2)(b).

(8) All leasehold interests for which annual taxable rent is less than two hundred fifty dollars per year. For purposes of this subsection leasehold interests held by the same lessee in contiguous properties owned by the same lessor shall be deemed a single leasehold interest.

(9) All leasehold interests which give use or possession of the leased property for a continuous period of less than thirty days: PROVIDED, That for purposes of this subsection, successive leases or lease renewals giving substantially continuous use of possession of the same property to the same lessee shall be deemed a single leasehold interest: PROVIDED FURTHER, That no leasehold interest shall be deemed to give use or possession for a period of less than thirty days solely by virtue of the reservation by the public lessor of the right to use the property or to allow third parties to use the property on an occasional, temporary basis.

(10) All leasehold interests under month-to-month leases in residential units rented for residential purposes of the lessee pending destruction or removal for the purpose of constructing a public highway or building.

(11) All leasehold interests in any publicly owned real or personal property to the extent such leasehold interests arises solely by virtue of a contract for public improvements or work executed under the public works statutes of this state or of the United States between the public owner of the property and a contractor.

(12) All leasehold interests that give use or possession of state adult correctional facilities for the purposes of operating correctional industries under RCW 72.09.100.

(13) All leasehold interests used to provide organized and supervised recreational activities for disabled persons of all ages in a camp facility and for public recreational purposes by a nonprofit organization, association, or corporation that would be exempt from property tax under RCW 84.36.030(1) if it owned the property. If the publicly owned property is used for any taxable

purpose, the leasehold excise taxes set forth in RCW 82.29A.030 and 82.29A.040 shall be imposed and shall be apportioned accordingly.

(14) All leasehold interests in the public or entertainment areas of a baseball stadium with natural turf and a retractable roof or canopy that is in a county with a population of over one million, that has a seating capacity of over forty thousand, and that is constructed on or after January 1, 1995. "Public or entertainment areas" include ticket sales areas, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality and stadium club areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas and suites, the playing field, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include locker rooms or private offices exclusively used by the lessee.

(15) All leasehold interests in the public or entertainment areas of a stadium and exhibition center, as defined in RCW 36.102.010, that is constructed on or after January 1, 1998. For the purposes of this subsection, "public or entertainment areas" has the same meaning as in subsection (14) of this section, and includes exhibition areas.

(16) All leasehold interests in public facilities districts, as provided in chapter 36.100 or 35.57 RCW.

(17) All leasehold interests in the public or entertainment areas of an amphitheater if a private entity is responsible for one hundred percent of the cost of constructing the amphitheater which is not reimbursed by the public owner, both the public owner and the private lessee sponsor events at the facility on a regular basis, the lessee is responsible under the lease or agreement to operate and maintain the facility, and the amphitheater has a seating capacity of over seventeen thousand reserved and general admission seats and is in a county with a population of over three hundred fifty thousand, but less than four hundred twenty-five thousand. For the purposes of this subsection, "public or entertainment areas" include box offices or other ticket sales areas, entrance gates, ramps and stairs, lobbies and concourses, parking areas, concession areas, restaurants, hospitality areas, kitchens or other work areas primarily servicing other public or entertainment areas, public rest room areas, press and media areas, control booths, broadcast and production areas, retail sales areas, museum and exhibit areas, scoreboards or other public displays, storage areas, loading, staging, and servicing areas, seating areas including lawn seating areas and suites, stages, and any other areas to which the public has access or which are used for the production of the entertainment event or other public usage, and any other personal property used for these purposes. "Public or entertainment areas" does not include office areas used predominately by the lessee.

PART VII
HISTORIC AUTOMOBILE MUSEUM

NEW SECTION. **Sec. 701.** A new section is added to chapter 82.32 RCW to read as follows:

(1) The governing board of a nonprofit organization, corporation, or association may apply for deferral of taxes on an eligible project. Application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the project, estimated or actual costs of the project, time schedules for completion and operation of the project, and other information required by the department. The department shall rule on the application within sixty days. All applications for the tax deferral under this section must be received no later than December 31, 2008.

(2) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible project.

(3) The nonprofit organization, corporation, or association shall begin paying the deferred taxes in the fifth year after the date certified by the department as the date on which the eligible project is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal ten percent of the deferred tax.

(4) The department may authorize an accelerated repayment schedule upon request of the nonprofit organization, corporation, or association.

(5) Except as provided in subsection (6) of this section, interest shall not be charged on any taxes deferred under this section for the period of deferral. The debt for deferred taxes is not extinguished by insolvency or other failure of the nonprofit organization, corporation, or association.

(6) If the project is not operationally complete within five calendar years from issuance of the tax deferral or if at any time the department finds that the project is not eligible for tax deferral under this section, the amount of deferred taxes outstanding for the project shall be immediately due and payable. If deferred taxes must be repaid under this subsection, the department shall assess interest, but not penalties, on amounts due under this subsection. Interest shall be assessed at the rate provided for delinquent taxes under this chapter, retroactively to the date of deferral, and shall accrue until the deferred taxes due are repaid.

(7) Applications and any other information received by the department of revenue under this section are not confidential under RCW 82.32.330. This chapter applies to the administration of this section.

(8) This section applies to taxable eligible project activity that occurs on or after July 1, 2007.

(9) The following definitions apply to this section:

(a) "Eligible project" means a project that is used primarily for a historic automobile museum.

(b) "Historic automobile museum" means a facility owned and operated by a nonprofit organization, corporation, or association that is used to maintain and exhibit to the public a collection of at least five hundred motor vehicles.

(c) "Nonprofit organization, corporation, or association" means an organization, corporation, or association exempt from tax under section 501(c) (3), (4), or (10) of the federal internal revenue code (26 U.S.C. Sec. 501(c) (3), (4), or (10)).

(d) "Project" means the construction of new structures, the acquisition and installation of fixtures that are permanently affixed to and become a physical part of those structures, and site preparation. For purposes of this subsection, structures do not include parking facilities used for motor vehicles that are not on display or part of the museum collection.

(e) "Site preparation" includes soil testing, site clearing and grading, demolition, or any other related activities that are initiated before construction. Site preparation does not include landscaping services or landscaping materials.

PART VIII NURSING HOMES

Sec. 801. RCW 82.71.020 and 2003 1st sp.s. c 16 s 2 are each amended to read as follows:

(1) In addition to any other tax, a quality maintenance fee is imposed on every operator of a nonexempt nursing facility in this state. The quality maintenance fee shall be:

(a) Six dollars and fifty cents per patient day through June 30, 2005;

(b) Five dollars and twenty-five cents per patient day for the period July 1, 2005, through June 30, 2007;

(c) Three dollars per patient day for the period July 1, 2007, through June 30, 2009; and

(d) One dollar and fifty cents per patient day for the period July 1, 2009, through June 30, 2011.

(2) Each operator of a nonexempt nursing facility shall file a return with the department on a monthly basis. The return shall include the following:

(a) The number of patient days for nonexempt nursing facilities operated by that person in that month; and

(b) Remittance of the nonexempt nursing facility operator's quality maintenance fee for that month.

(3) This section expires July 1, 2011.

Sec. 802. 2003 1st sp.s. c 16 s 6 (uncodified) is amended to read as follows:

(1) (~~(Sections 1 through 5 of this act)~~) RCW 82.71.010, 82.71.020, 82.71.030, 74.46.091, and 74.46.535 shall expire on the effective date that federal medicaid matching funds are substantially reduced or that a federal sanction is imposed due to the quality maintenance fee under (~~(section 2 of this act)~~) RCW 82.71.020, as such date is certified by the secretary of social and health services.

(2) The expiration of (~~(sections 1 through 5 of this act)~~) RCW 82.71.010, 82.71.020, 82.71.030, 74.46.091, and 74.46.535 shall not be construed as affecting any existing right acquired or liability or obligation incurred under those sections or under any rule or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

PART IX
COMMERCIAL DISTRICT REVITALIZATION

NEW SECTION. Sec. 901. (1) The legislature finds:

(a) The continued economic vitality of downtown and neighborhood commercial districts in our state's cities is essential to community preservation, social cohesion, and economic growth;

(b) In recent years there has been a deterioration of downtown and neighborhood commercial districts in both rural and urban communities due to a shifting population base, changes in the marketplace, and greater competition from suburban shopping malls, discount centers, and business transacted through the internet;

(c) This decline has eroded the ability of businesses and property owners to renovate and enhance their commercial and residential properties; and

(d) Business owners in these districts need to maintain their local economies in order to provide goods and services to adjacent residents, to provide employment opportunities, to avoid disinvestment and economic dislocations, and to develop and sustain downtown and neighborhood commercial district revitalization programs to address these problems.

(2) It is the intent of the legislature to establish a program to:

(a) Work in partnership with these organizations;

(b) Provide technical assistance and training to local governments, business organizations, downtown and neighborhood commercial district organizations, and business and property owners to accomplish community and economic revitalization and development of business districts; and

(c) Certify a downtown or neighborhood commercial district organization's use of available tax incentives.

NEW SECTION. Sec. 902. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Contribution" means cash contributions.

(3) "Department" means the department of revenue.

(4) "Person" has the meaning given in RCW 82.04.030.

(5) "Program" means a nonprofit organization under internal revenue code sections 501(c)(3) or 501(c)(6), with the sole mission of revitalizing a downtown or neighborhood commercial district area, that is designated by the department of community, trade, and economic development as described in sections 908 through 912 of this act.

(6) "Main street trust fund" means the department of community, trade, and economic development's main street trust fund account under section 912 of this act.

NEW SECTION. Sec. 903. (1) Application for tax credits under this chapter must be made to the department before making a contribution to a program or the main street trust fund. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the proposed amount of contribution to a program or the main street trust fund, and other information required by the department to determine eligibility under this act. The department shall rule on

the application within forty-five days. Applications shall be approved on a first-come basis.

(2) The person must make the contribution described in the approved application by the end of the calendar year in which the application is approved to claim a credit allowed under section 904 of this act.

(3) The department shall not accept any applications before January 1, 2006.

NEW SECTION. Sec. 904. (1) Subject to the limitations in this chapter, a credit is allowed against the tax imposed by chapters 82.04 and 82.16 RCW for approved contributions that are made by a person to a program or the main street trust fund.

(2) The credit allowed under this section is limited to an amount equal to:

(a) Seventy-five percent of the approved contribution made by a person to a program; or

(b) Fifty percent of the approved contribution made by a person to the main street trust fund.

(3) The department may not approve credit with respect to a program in a city or town with a population of one hundred ninety thousand persons or more.

(4) The department shall keep a running total of all credits approved under this chapter for each calendar year. The department shall not approve any credits under this section that would cause the total amount of approved credits statewide to exceed one million five hundred thousand dollars in any calendar year.

(5) The total credits allowed under this chapter for contributions made to each program may not exceed one hundred thousand dollars in a calendar year. The total credits allowed under this chapter for a person may not exceed two hundred fifty thousand dollars in a calendar year.

(6) The credit may be claimed against any tax due under chapters 82.04 and 82.16 RCW only in the calendar year immediately following the calendar year in which the credit was approved by the department and the contribution was made to the program or the main street trust fund. Credits may not be carried over to subsequent years. No refunds may be granted for credits under this chapter.

(7) The total amount of the credit claimed in any calendar year by a person may not exceed the lesser amount of the approved credit, or seventy-five percent of the amount of the contribution that is made by the person to a program and fifty percent of the amount of the contribution that is made by the person to the main street trust fund, in the prior calendar year.

NEW SECTION. Sec. 905. To claim a credit under this chapter, a person must electronically file with the department all returns, forms, and other information the department requires in an electronic format as provided or approved by the department. Any return, form, or information required to be filed in an electronic format under this section is not filed until received by the department in an electronic format. As used in this subsection, "returns" has the same meaning as "return" in RCW 82.32.050.

NEW SECTION. Sec. 906. The department of community, trade, and economic development shall provide information to the department to administer this chapter, including a list of designated programs that shall be updated as necessary.

NEW SECTION. Sec. 907. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 908. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Area" means a geographic area within a local government that is described by a closed perimeter boundary.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "Local government" means a city, code city, or town.

(5) "Qualified levels of participation" means a local downtown or neighborhood commercial district revitalization program that has been designated by the department.

NEW SECTION. Sec. 909. The Washington main street program is created within the department. In order to implement the Washington main street program, the department shall:

(1) Provide technical assistance to businesses, property owners, organizations, and local governments undertaking a comprehensive downtown or neighborhood commercial district revitalization initiative and management strategy. Technical assistance may include, but is not limited to, initial site evaluations and assessments, training for local programs, training for local program staff, site visits and assessments by technical specialists, local program design assistance and evaluation, and continued local program on-site assistance;

(2) To the extent funds are made available, provide financial assistance to local governments or local organizations to assist in initial downtown or neighborhood commercial district revitalization program start-up costs, specialized training, specific project feasibility studies, market studies, and design assistance;

(3) Develop objective criteria for selecting recipients of assistance under subsections (1) and (2) of this section, which shall include priority for downtown or neighborhood commercial district revitalization programs located in a rural county as defined in RCW 43.160.020(12), and provide for designation of local programs under section 910 of this act;

(4) Operate the Washington main street program in accordance with the plan developed by the department, in consultation with the Washington main street advisory committee created under section 911 of this act; and

(5) Consider other factors the department deems necessary for the implementation of this chapter.

NEW SECTION. Sec. 910. (1) The department shall adopt criteria for the designation of local downtown or neighborhood commercial district revitalization programs and official local main street programs. In establishing the criteria, the department shall consider:

(a) The degree of interest and commitment to comprehensive downtown or neighborhood commercial district revitalization and, where applicable, historic preservation by both the public and private sectors;

(b) The evidence of potential private sector investment in the downtown or neighborhood commercial district;

(c) Where applicable, a downtown or neighborhood commercial district with sufficient historic fabric to become a foundation for an enhanced community image;

(d) The capacity of the organization to undertake a comprehensive program and the financial commitment to implement a long-term downtown or neighborhood commercial district revitalization program that includes a commitment to employ a professional program manager and maintain a sufficient operating budget;

(e) The department's existing downtown revitalization program's tier system;

(f) The national main street center's criteria for designating official main street cities; and

(g) Other factors the department deems necessary for the designation of a local program.

(2) The department shall designate local downtown or neighborhood commercial district revitalization programs and official local main street programs. The programs shall be limited to three categories of designation, one of which shall be the main street level.

(3) Section 902 of this act does not apply to any local downtown or neighborhood commercial district revitalization program unless the boundaries of the program have been identified and approved by the department. The boundaries of a local downtown or neighborhood commercial district revitalization program are typically defined using the pedestrian core of a traditional commercial district.

(4) The department may not designate a local downtown or neighborhood commercial district revitalization program or official local main street program if the program is undertaken by a local government with a population of one hundred ninety thousand persons or more.

NEW SECTION. Sec. 911. (1) The Washington main street advisory committee is created within the department. The members of the advisory committee are appointed by the director and consist of:

(a) The director, or the director's designee, who shall serve as chair;

(b) Two representatives from local governments;

(c) Five representatives from existing local main street programs or downtown and neighborhood commercial district programs including a combination of staff, property owners, and business owners; and

(d) One representative from the Washington trust for historic preservation.

(2) The department shall develop a plan for the Washington main street program, in consultation with the Washington main street advisory committee. The plan must describe:

(a) The objectives and strategies of the Washington main street program;

(b) How the Washington main street program will be coordinated with existing federal, state, local, and private sector business development and historic preservation efforts;

(c) The means by which private investment will be solicited and employed;

(d) The methods of selecting and providing assistance to participating local programs; and

(e) A means to solicit private contributions for state and local operations of the Washington main street program.

NEW SECTION. Sec. 912. The Washington main street trust fund account is created in the state treasury. All receipts from private contributions, federal funds, legislative appropriations, and fees for services, if levied, must be deposited into the account. Expenditures from the account may be used only for the operation of the Washington main street program.

PART X HIGH TECHNOLOGY BUSINESSES

NEW SECTION. Sec. 1001. A new section is added to chapter 82.32 RCW to read as follows:

(1) If the department finds that the failure of a taxpayer to file an annual survey under RCW 82.04.4452 by the due date was the result of circumstances beyond the control of the taxpayer, the department shall extend the time for filing the survey. Such extension shall be for a period of thirty days from the date the department issues its written notification to the taxpayer that it qualifies for an extension under this section. The department may grant additional extensions as it deems proper.

(2) In making a determination whether the failure of a taxpayer to file an annual survey by the due date was the result of circumstances beyond the control of the taxpayer, the department shall be guided by rules adopted by the department for the waiver or cancellation of penalties when the underpayment or untimely payment of any tax was due to circumstances beyond the control of the taxpayer.

NEW SECTION. Sec. 1002. A new section is added to chapter 82.32 RCW to read as follows:

(1) Persons required to file surveys under RCW 82.04.4452 must electronically file with the department all surveys, returns, and any other forms or information the department requires in an electronic format as provided or approved by the department, unless the department grants relief under subsection (2) of this section. As used in this section, "returns" has the same meaning as "return" in RCW 82.32.050.

(2) Upon request, the department may relieve a person of the obligations in subsection (1) of this section if the person's taxes have been reduced a cumulative total of less than one thousand dollars from all of the credits, exemptions, or preferential business and occupation tax rates, for which a person is required to file an annual survey under RCW 82.04.4452, 82.32.535, 82.32.545, 82.32.570, 82.32.560, 82.60.070, or 82.63.020.

(3) Persons who no longer qualify for relief under subsection (2) of this section will be notified in writing by the department and must comply with subsection (1) of this section by the date provided in the notice.

(4) Any survey, return, or any other form or information required to be filed in an electronic format under subsection (1) of this section is not filed until received by the department in an electronic format.

Sec. 1003. RCW 82.04.4452 and 2004 c 2 s 2 are each amended to read as follows:

(1) In computing the tax imposed under this chapter, a credit is allowed for each person whose research and development spending during the year in which the credit is claimed exceeds 0.92 percent of the person's taxable amount during the same calendar year.

(2) The credit shall be calculated as follows:

(a) Determine the greater of the amount of qualified research and development expenditures of a person or eighty percent of amounts received by a person other than a public educational or research institution in compensation for the conduct of qualified research and development;

(b) Subtract 0.92 percent of the person's taxable amount from the amount determined under (a) of this subsection;

(c) ~~Multiply the amount determined under (b) of this subsection by ((the rate provided in RCW 82.04.260(3) in the case of a nonprofit corporation or nonprofit association engaging within this state in research and development, and the person's average tax rate for every other person))~~ the following:

(i) For the period June 10, 2004, through December 31, 2006, the person's average tax rate for the calendar year for which the credit is claimed;

(ii) For the calendar year ending December 31, 2007, the greater of the person's average tax rate for that calendar year or 0.75 percent;

(iii) For the calendar year ending December 31, 2008, the greater of the person's average tax rate for that calendar year or 1.0 percent;

(iv) For the calendar year ending December 31, 2009, the greater of the person's average tax rate for that calendar year or 1.25 percent;

(v) For the calendar year ending December 31, 2010, and thereafter, 1.50 percent.

For purposes of calculating the credit, if a person's reporting period is less than annual, the person may use an estimated average tax rate for the calendar year for which the credit is claimed by using the person's average tax rate for each reporting period. A person who uses an estimated average tax rate must make an adjustment to the total credit claimed for the calendar year using the person's actual average tax rate for the calendar year when the person files its last return for the calendar year for which the credit is claimed.

(3) Any person entitled to the credit provided in subsection (2) of this section as a result of qualified research and development conducted under contract may assign all or any portion of the credit to the person contracting for the performance of the qualified research and development.

(4) The credit, including any credit assigned to a person under subsection (3) of this section, shall be ~~((taken))~~ claimed against taxes due for the same calendar year in which the qualified research and development expenditures are incurred. The credit, including any credit assigned to a person under subsection (3) of this section, for each calendar year shall not exceed the lesser of two million dollars or the amount of tax otherwise due under this chapter for the calendar year.

(5) For any person ((taking)) claiming the credit, including any credit assigned to a person under subsection (3) of this section, whose research and development spending during the calendar year in which the credit is claimed fails to exceed 0.92 percent of the person's taxable amount during the same calendar year ((shall be liable for payment of the additional)) or who is otherwise ineligible, the department shall declare the taxes ((represented by the

~~amount of)~~ against which the credit ((taken together with)) was claimed to be immediately due and payable. The department shall assess interest, but not penalties, on the taxes against which the credit was claimed. Interest shall be ((due)) assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was ((taken until the taxes are paid)) claimed, and shall accrue until the taxes against which the credit was claimed are repaid. Any credit assigned to a person under subsection (3) of this section that is disallowed as a result of this section may be ((taken)) claimed by the person who performed the qualified research and development subject to the limitations set forth in subsection (4) of this section.

~~(6) ((Any person claiming the credit, and any person assigning a credit as provided in subsection (3) of this section, shall file an annual report in a form prescribed by the department which shall include the amount of the credit claimed, the qualified research and development expenditures during the calendar year for which the credit is claimed, and the taxable amount during the calendar year for which the credit is claimed, and such additional information as the department may prescribe. The report is due by March 31st following any year a credit is taken.~~

~~(7))~~(a) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources the legislature needs information on how a tax incentive is used.

(b) A person claiming the credit shall ~~((agree to))~~ file a complete ((an)) annual survey with the department. ((The annual survey is in addition to the annual report due under subsection (6) of this section.)) The survey is due by March 31st following any year in which a credit is ~~((taken))~~ claimed. The department may extend the due date for timely filing of annual surveys under this section as provided in section 1001 of this act. The survey shall include the amount of the tax credit ~~((taken))~~ claimed, the qualified research and development expenditures during the calendar year for which the credit is claimed, the taxable amount during the calendar year for which the credit is claimed, the number of new products or research projects by general classification, ((and)) the number of trademarks, patents, and copyrights associated with the research and development activities for which a credit was ((taken)) claimed, and whether the credit has been assigned under subsection (3) of this section and who assigned the credit. The survey shall also include the following information for employment positions in Washington:

- (i) The number of total employment positions;
- (ii) Full-time, part-time, and temporary employment positions as a percent of total employment;
- (iii) The number of employment positions according to the following wage bands: Less than thirty thousand dollars; thirty thousand dollars or greater, but less than sixty thousand dollars; and sixty thousand dollars or greater. A wage band containing fewer than three individuals may be combined with another wage band; and
- (iv) The number of employment positions that have employer-provided medical, dental, and retirement benefits, by each of the wage bands.

(c) The department may request additional information necessary to measure the results of the tax credit program, to be submitted at the same time as the survey.

(d)(i) All information collected under this subsection, except the amount of the tax credit ~~((taken))~~ claimed, is deemed taxpayer information under RCW 82.32.330 ~~((and is not disclosable))~~. Information on the amount of tax credit ~~((taken))~~ claimed is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request, ~~except ((that))~~ as provided in this subsection (6)(d). If the amount of the tax credit as reported on the survey is different than the amount actually claimed on the taxpayer's tax returns or otherwise allowed by the department, the amount actually claimed or allowed may be disclosed.

(ii) Persons ~~((taking))~~ for whom the actual amount of the tax credit claimed on the taxpayer's returns or otherwise allowed by the department is less than ten thousand dollars ~~((of credit))~~ during the period covered by the survey may request the department to treat the tax credit amount as confidential under RCW 82.32.330.

(e) If a person fails to file a complete ~~((the))~~ annual survey required under this subsection with the department by the due date or any extension under section 1001 of this act, the person entitled to the credit provided in subsection (2) of this section is not eligible to ~~((take))~~ claim or assign the credit provided in subsection (2) of this section in the year the person failed to timely file a complete ~~((the))~~ survey.

~~((8))~~ (7) The department shall use the information from subsection ~~((7))~~ (6) of this section to prepare summary descriptive statistics by category. No fewer than three taxpayers shall be included in any category. The department shall report these statistics to the legislature each year by September 1st.

~~((9))~~ (8) The department shall use the information from subsection ~~((7))~~ (6) of this section to study the tax credit program authorized under this section. The department shall report to the legislature by December 1, 2009, and December 1, 2013. The reports shall measure the effect of the program on job creation, the number of jobs created for Washington residents, company growth, the introduction of new products, the diversification of the state's economy, growth in research and development investment, the movement of firms or the consolidation of firms' operations into the state, and such other factors as the department selects.

~~((10))~~ (9) For the purpose of this section:

(a) "Average tax rate" means a person's total tax liability under this chapter for the ~~((reporting period))~~ calendar year for which the credit is claimed divided by the taxpayer's total taxable ~~((income))~~ amount under this chapter for the ~~((reporting period))~~ calendar year for which the credit is claimed.

(b) "Qualified research and development expenditures" means operating expenses, including wages, compensation of a proprietor or a partner in a partnership as determined under rules adopted by the department, benefits, supplies, and computer expenses, directly incurred in qualified research and development by a person claiming the credit provided in this section. The term does not include amounts paid to a person other than a public educational or research institution to conduct qualified research and development. Nor does the

term include capital costs and overhead, such as expenses for land, structures, or depreciable property.

(c) "Qualified research and development" shall have the same meaning as in RCW 82.63.010.

(d) "Research and development spending" means qualified research and development expenditures plus eighty percent of amounts paid to a person other than a public educational or research institution to conduct qualified research and development.

(e) "Taxable amount" means the taxable amount subject to the tax imposed in this chapter required to be reported on the person's combined excise tax returns (~~(during)~~) for the calendar year (~~(in)~~) for which the credit is claimed, less any taxable amount for which a credit is allowed under RCW 82.04.440.

~~((H))~~ (10) This section expires January 1, 2015.

NEW SECTION. Sec. 1004. (1) A person who owes additional tax as a result of section 1003(9)(a), chapter ..., Laws of 2005 (section 1003(9)(a) of this act) is liable for interest, but not penalties as provided in RCW 82.32.090 (1) and (2), if the entire additional tax liability is paid in full to the department of revenue before January 1, 2006. Interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, retroactively to the date the credit was claimed, and shall accrue until the additional tax is repaid.

(2) Persons who fail to repay the full amount of additional tax owed as a result of section 1003(9)(a), chapter ..., Laws of 2005 (section 1003(9)(a) of this act) before January 1, 2006, are subject to all applicable penalties and interest as provided in chapter 82.32 RCW on the additional tax owing after December 31, 2005.

(3) This section expires December 31, 2010.

PART XI EDUCATION FUNDING

NEW SECTION. Sec. 1101. A new section is added to chapter 83.100 RCW to read as follows:

The education legacy trust 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 deposit into the student achievement fund and for expanding access to higher education through funding for new enrollments and financial aid, and other educational improvement efforts.

NEW SECTION. Sec. 1102. A new section is added to chapter 82.24 RCW to read as follows:

(1) In addition to the tax imposed upon the sale, use, consumption, handling, possession, or distribution of cigarettes set forth in RCW 82.24.020, there is imposed a tax in an amount equal to the rate of thirty mills per cigarette.

(2) The revenue collected under this section shall be deposited as follows:

(a) 21.7 percent shall be deposited into the health services account.

(b) 2.8 percent shall be deposited into the general fund.

(c) 2.3 percent shall be deposited into the violence reduction and drug enforcement account under RCW 69.50.520.

(d) 1.7 percent shall be deposited into the water quality account under RCW 70.146.030.

(e) The remainder shall be deposited into the education legacy trust account.

NEW SECTION. Sec. 1103. A new section is added to chapter 28A.505 RCW to read as follows:

(1) Total distributions from the student achievement fund to each school district shall be based upon the average number of full-time equivalent students in the school district during the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The allocation rate per full-time equivalent student shall be three hundred dollars in the 2005-06 school year, three hundred seventy-five dollars in the 2006-07 school year, and four hundred fifty dollars in the 2007-08 school year. For each subsequent school year, the amount allocated per full-time equivalent student shall be adjusted for inflation as defined in RCW 43.135.025(8). These allocations per full-time equivalent student from the student achievement fund shall be supported from the following sources:

(a) Distributions from state property tax proceeds deposited into the student achievement fund under RCW 84.52.068; and

(b) Distributions from the education legacy trust account created in section 1101 of this act.

(3) Any funds deposited in the student achievement fund under RCW 43.135.045 shall be allocated to school districts on a one-time basis using a rate per full-time equivalent student. These funds are provided in addition to any amounts allocated in subsection (2) of this section.

(4) The school district annual amounts as defined in subsection (2) of this section shall be distributed on the monthly apportionment schedule as defined in RCW 28A.510.250.

Sec. 1104. RCW 84.52.068 and 2003 1st sp.s. c 19 s 1 are each amended to read as follows:

(1) A portion of the proceeds of the state property tax levy shall be ~~((distributed to school districts in the amounts and in the manner))~~ deposited into the student achievement fund as provided in this section.

(2)~~(a)~~ The amount of the ~~((distribution to each school district))~~ deposit shall be based upon the average number of full-time equivalent students in the school districts during the previous school year~~((, and shall be calculated as follows:~~

~~(a) Out of taxes collected in calendar years 2001 through and including 2003, an annual amount equal to one hundred forty dollars per each full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on one hundred forty dollars per full-time equivalent student in the school district for each year beginning with the school year 2001-2002 and through the end of the 2003-2004 school year:~~

~~(b))~~ as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

~~(b)~~ For the 2004-2005 through 2007-2008 school years, an annual amount equal to two hundred fifty-four dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund ~~((to be distributed to each school district based on two hundred fifty four dollars per full-time equivalent student.~~

~~(e) For the 2005-2006 school year, an amount equal to three hundred dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on three hundred dollars per full-time equivalent student.~~

~~(d) For the 2006-2007 school year, an amount equal to three hundred seventy-five dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on three hundred seventy-five dollars per full-time equivalent student.~~

~~(e) For the 2007-2008 school year, an amount equal to four hundred fifty dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on four hundred fifty dollars per full-time equivalent student.~~

~~(f) Each subsequent year following the 2007-2008 school year, the amount deposited and distributed shall be adjusted for inflation as defined in RCW 43.135.025(8).~~

~~(3) For the 2001-2002 through 2003-2004 school years, the office of the superintendent of public instruction shall verify the average number of full-time equivalent students in each school district from the previous school year to the state treasurer by August 1st of each year.~~

~~(4) Beginning with the 2004-2005 school year:~~

~~(a) The annual distributions to each school district shall be based on the average number of full-time equivalent students in the school district from the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year; and~~

~~(b)).~~

(c) For the 2008-2009 school year, an annual amount equal to two hundred sixty-five dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(d) For the 2009-2010 school year, an annual amount equal to two hundred seventy-seven dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(e) For the school year 2010-2011 and each year thereafter, an annual amount equal to two hundred seventy-eight dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund.

(f) The school district annual amounts ((as defined in subsection (2) of this section)) shall be ((distributed)) deposited based on the monthly apportionment schedule as defined in RCW 28A.510.250. The office of the superintendent of public instruction shall notify the department of the monthly amounts to be deposited into the student achievement fund to meet the apportionment schedule ((distributions)).

Sec. 1105. RCW 43.84.092 and 2005 c . . . (SSB 5775) s 4 are each 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 education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, 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 facilities construction loan revolving account beginning July 1, 2004, 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 small city pavement and sidewalk 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 Tacoma Narrows toll bridge 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 2003 account (nickel 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.

Sec. 1106. RCW 43.84.092 and 2005 c . . . (SSB 5775) s 5 are each 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 education legacy trust account, the election account, the emergency reserve fund, The Evergreen State College capital projects account, 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 facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the small city pavement and sidewalk 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 Tacoma Narrows toll bridge 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 public safety employees' 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 2003 account (nickel 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.

Sec. 1107. RCW 69.50.520 and 2004 c 276 s 912 are each 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(9)(a), 82.08.150(5), 82.24.020(2), section 1102(2)(c) of this act, 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 2003-2005 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, funding drug offender treatment services in accordance with RCW 70.96A.350, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, maintenance and operating costs of the juvenile rehabilitation administration's client activity tracking system, civil indigent legal representation, multijurisdictional narcotics task forces, and grants to community networks under chapter 70.190 RCW by the family policy council.

Sec. 1108. RCW 70.146.030 and 2004 c 277 s 909 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, section 1102(2)(d) of this act, 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, 2003, to June 30, 2005, 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, for water conveyance projects, 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 31st 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.

PART XII ESTATES

Sec. 1201. RCW 83.100.— and 2005 c ... (ESB 6096) s 4 are each amended to read as follows:

(1) For the purposes of determining the Washington taxable estate, a deduction is allowed from the federal taxable estate for ~~((the value of qualified real property and the value of any tangible personal property used primarily for farming purposes conducted on the qualified real property, reduced by any amounts allowable as a deduction in respect of the qualified real property and tangible personal property under section 2053(a)(4) of the Internal Revenue Code, if the decedent was at the time of his or her death a citizen or resident of the United States. For the purposes of determining the deduction amount, the value of property is its value as used to determine the value of the gross estate)):~~

(a) The value of qualified real property reduced by any amounts allowable as a deduction in respect of the qualified real property and tangible personal property under section 2053(a)(4) of the internal revenue code, if the decedent was at the time of his or her death a citizen or resident of the United States.

(b) The value of any tangible personal property used by the decedent or a member of the decedent's family for a qualified use on the date of the decedent's death, reduced by any amounts allowable as a deduction in respect of the tangible personal property under section 2053(a)(4) of the internal revenue code, if all of the requirements of subsection (10)(f)(i)(A) of this section are met and the decedent was at the time of his or her death a citizen or resident of the United States.

(c) The value of real property that is not deductible under (a) of this subsection solely by reason of subsection (10)(f)(i)(B) of this section, reduced by any amounts allowable as a deduction in respect of the qualified real property and tangible personal property under section 2053(a)(4) of the internal revenue code, if the requirements of subsection (10)(f)(i)(C) of this section are met with respect to the property and the decedent was at the time of his or her death a citizen or resident of the United States.

(2) Property shall be considered to have been acquired from or to have passed from the decedent if:

(a) The property is so considered under section 1014(b) of the Internal Revenue Code;

(b) The property is acquired by any person from the estate; or

(c) The property is acquired by any person from a trust, to the extent the property is includible in the gross estate of the decedent.

(3) If the decedent and the decedent's surviving spouse at any time held qualified real property as community property, the interest of the surviving spouse in the property shall be taken into account under this section to the extent necessary to provide a result under this section with respect to the property which is consistent with the result which would have obtained under this section if the property had not been community property.

(4) In the case of any qualified woodland, the value of trees growing on the woodland may be deducted if otherwise qualified under this section.

(5) If property is qualified real property with respect to a decedent, hereinafter in this subsection referred to as the "first decedent," and the property was acquired from or passed from the first decedent to the surviving spouse of the first decedent, active management of the farm by the surviving spouse shall be treated as material participation by the surviving spouse in the operation of the farm.

(6) Property owned indirectly by the decedent may qualify for a deduction under this section if owned through an interest in a corporation, partnership, or trust as the terms corporation, partnership, or trust are used in section 2032A(g) of the Internal Revenue Code. In order to qualify for a deduction under this subsection, the interest, in addition to meeting the other tests for qualification under this section, must qualify under section 6166(b)(1) of the Internal Revenue Code as an interest in a closely held business on the date of the decedent's death and for sufficient other time, combined with periods of direct ownership, to equal at least five years of the eight-year period preceding the death.

(7)(a) If, on the date of the decedent's death, the requirements of subsection (10)(f)(i)(C)(II) of this section with respect to the decedent for any property are not met, and the decedent (i) was receiving old age benefits under Title II of the social security act for a continuous period ending on such date, or (ii) was disabled for a continuous period ending on this date, then subsection (10)(f)(i)(C)(II) of this section shall be applied with respect to the property by substituting "the date on which the longer of such continuous periods began" for "the date of the decedent's death" in subsection (10)(f)(i)(C) of this section.

(b) For the purposes of (a) of this subsection, an individual shall be disabled if the individual has a mental or physical impairment which renders that individual unable to materially participate in the operation of the farm.

(8) Property may be deducted under this section whether or not special valuation is elected under section 2032A of the Internal Revenue Code on the federal return. For the purposes of determining the deduction under this section, the value of property is its value as used to determine the value of the gross estate.

(9)(a) In the case of any qualified replacement property, any period during which there was ownership, qualified use, or material participation with respect to the replaced property by the decedent or any member of the decedent's family shall be treated as a period during which there was ownership, use, or material participation, as the case may be, with respect to the qualified replacement property.

(b) Subsection (9)(a) of this section shall not apply to the extent that the fair market value of the qualified replacement property, as of the date of its

acquisition, exceeds the fair market value of the replaced property, as of the date of its disposition.

(c) For the purposes of this subsection (9), the following definitions apply:

(i) "Qualified replacement property" means any real property:

(A) Which is acquired in an exchange which qualifies under section 1031 of the Internal Revenue Code; or

(B) The acquisition of which results in the nonrecognition of gain under section 1033 of the Internal Revenue Code.

The term "qualified replacement property" only includes property which is used for the same qualified use as the replaced property was being used before the exchange.

(ii) "Replaced property" means the property was:

(A) Transferred in the exchange which qualifies under section 1031 of the Internal Revenue Code; or

(B) Compulsorily or involuntarily converted within the meaning of section 1033 of the Internal Revenue Code.

(10) For the purposes of this section, the following definitions apply:

(a) "Active management" means the making of the management decisions of a farm, other than the daily operating decisions.

(b) "Farm" includes stock, dairy, poultry, fruit, furbearing animal, and truck farms; plantations; ranches; nurseries; ranges; greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities; and orchards and woodlands.

(c) "Farming purposes" means:

(i) Cultivating the soil or raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of animals on a farm;

(ii) Handling, drying, packing, grading, or storing on a farm any agricultural or horticultural commodity in its unmanufactured state, but only if the owner, tenant, or operator of the farm regularly produces more than one-half of the commodity so treated; and

(iii)(A) The planting, cultivating, caring for, or cutting of trees; or

(B) The preparation, other than milling, of trees for market.

(d) "Member of the family" means, with respect to any individual, only:

(i) An ancestor of the individual;

(ii) The spouse of the individual;

(iii) A lineal descendant of the individual, of the individual's spouse, or of a parent of the individual; or

(iv) The spouse of any lineal descendant described in (d)(iii) of this subsection.

For the purposes of this subsection (10)(d), a legally adopted child of an individual shall be treated as the child of such individual by blood.

(e) "Qualified heir" means, with respect to any property, a member of the decedent's family who acquired property, or to whom property passed, from the decedent.

(f)(i) "Qualified real property" means real property which was acquired from or passed from the decedent to a qualified heir of the decedent and which, on the date of the decedent's death, was being used for a qualified use by the decedent or a member of the decedent's family, but only if:

(A) Fifty percent or more of the adjusted value of the gross estate consists of the adjusted value of real or personal property which:

(I) On the date of the decedent's death, was being used for a qualified use by the decedent or a member of the decedent's family; and

(II) Was acquired from or passed from the decedent to a qualified heir of the decedent;

(B) Twenty-five percent or more of the adjusted value of the gross estate consists of the adjusted value of real property which meets the requirements of (f)(i)(A)(II) and (f)(i)(C) of this subsection; and

(C) During the eight-year period ending on the date of the decedent's death there have been periods aggregating five years or more during which:

(I) The real property was owned by the decedent or a member of the decedent's family and used for a qualified use by the decedent or a member of the decedent's family; and

(II) There was material participation by the decedent or a member of the decedent's family in the operation of the farm. For the purposes of this subsection (f)(i)(C)(II), material participation shall be determined in a manner similar to the manner used for purposes of section 1402(a)(1) of the Internal Revenue Code.

(ii) For the purposes of this subsection, the term "adjusted value" means:

(A) In the case of the gross estate, the value of the gross estate, determined without regard to any special valuation under section 2032A of the Internal Revenue Code, reduced by any amounts allowable as a deduction under section 2053(a)(4) of the Internal Revenue Code; or

(B) In the case of any real or personal property, the value of the property for purposes of chapter 11 of the Internal Revenue Code, determined without regard to any special valuation under section 2032A of the Internal Revenue Code, reduced by any amounts allowable as a deduction in respect of such property under section 2053(a)(4) of the Internal Revenue Code.

(g) "Qualified use" means the property is used as a farm for farming purposes. In the case of real property which meets the requirements of (f)(i)(C) of this subsection, residential buildings and related improvements on the real property occupied on a regular basis by the owner or lessee of the real property or by persons employed by the owner or lessee for the purpose of operating or maintaining the real property, and roads, buildings, and other structures and improvements functionally related to the qualified use shall be treated as real property devoted to the qualified use. For tangible personal property eligible for a deduction under subsection (1)(b) of this section, "qualified use" means the property is used primarily for farming purposes on a farm.

(h) "Qualified woodland" means any real property which:

(i) Is used in timber operations; and

(ii) Is an identifiable area of land such as an acre or other area for which records are normally maintained in conducting timber operations.

(i) "Timber operations" means:

(i) The planting, cultivating, caring for, or cutting of trees; or

(ii) The preparation, other than milling, of trees for market.

**PART XIII
MISCELLANEOUS**

NEW SECTION. Sec. 1301. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 1302. Except for sections 110(5), 114 through 116, 401 through 403, 501, 701, 1001 through 1004, 1106, 1201, 1311, and 1312 of this act, 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 July 1, 2005.

NEW SECTION. Sec. 1303. Sections 110(5), 114 through 116, 1001, 1003, 1004, 1201, 1311, and 1312 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.

NEW SECTION. Sec. 1304. Sections 401 through 403 of this act take effect July 1, 2006.

NEW SECTION. Sec. 1305. Sections 501 and 1002 of this act take effect January 1, 2006.

NEW SECTION. Sec. 1306. Section 701 of this act takes effect July 1, 2007.

NEW SECTION. Sec. 1307. Sections 901 and 908 through 912 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 1308. Sections 902 through 907 of this act constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 1309. 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. 1310. Sections 901 through 912 of this act may be known and cited as the Washington main street act.

NEW SECTION. Sec. 1311. Section 1003 of this act applies retroactively to June 10, 2004.

NEW SECTION. Sec. 1312. Section 1001 of this act applies retroactively to annual surveys required under RCW 82.04.4452 that are due after December 31, 2004.

NEW SECTION. Sec. 1313. Section 1107 [1106] of this act takes effect July 1, 2006.

NEW SECTION. Sec. 1314. Section 1106 [1105] of this act expires July 1, 2006.

Passed by the House April 21, 2005.

Passed by the Senate April 22, 2005.

Approved by the Governor May 17, 2005.

Filed in Office of Secretary of State May 17, 2005.

CHAPTER 515

[Substitute Senate Bill 5623]

EXCISE TAXATION—REGIONAL TRANSIT AUTHORITIES—MAINTENANCE SERVICE AGREEMENTS

AN ACT Relating to the excise taxation of maintenance service agreements for regional transit authorities; reenacting and amending RCW 82.04.050; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds that:

(1) Public entities that receive tax dollars must continuously improve the way they operate and deliver service so citizens receive maximum value for their tax dollars; and

(2) An explicit statement clarifying that no sales or use tax shall apply to the entire charge paid by regional transit authorities for bus or rail combined operations and maintenance agreements that are provided to such authorities in support of their provision of urban transportation or transportation services is necessary to improve efficient service.

Sec. 2. RCW 82.04.050 and 2004 c 174 s 3 and 2004 c 153 s 407 are each reenacted and amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use. The term also

means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280 (2) and (7), 82.04.290, and 82.04.2908.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin-operated laundry facilities when such facilities are situated in an apartment house, rooming house, or mobile home park for the exclusive use of the tenants thereof, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) The sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it shall be presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a

person is a rental or lease of real property and not a mere license to enjoy the same;

(g) The sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), (e), and (f) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section shall be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services.

(4)(a) The term shall also include:

(i) The renting or leasing of tangible personal property to consumers; and

(ii) Providing tangible personal property along with an operator for a fixed or indeterminate period of time. A consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (4)(a)(ii), an operator must do more than maintain, inspect, or set up the tangible personal property.

(b) The term shall not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall also include the sale of prewritten computer software other than a sale to a person who presents a resale certificate under RCW 82.04.470, regardless of the method of delivery to the end user, but shall not include custom software or the customization of prewritten computer software.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street,

place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

(8) The term shall also not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor shall it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; and (c) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3) or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

(9) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor shall the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development.

(10) The term shall not include the sale of or charge made for labor, services, or tangible personal property pursuant to agreements providing maintenance services for bus, rail, or rail fixed guideway equipment when a regional transit authority is the recipient of the labor, services, or tangible personal property, and a transit agency, as defined in RCW 81.104.015, performs the labor or services.

Passed by the Senate March 12, 2005.

Passed by the House April 14, 2005.

Approved by the Governor May 17, 2005.

Filed in Office of Secretary of State May 17, 2005.

CHAPTER 516

[Engrossed Senate Bill 6096]

ESTATE TAX

AN ACT Relating to generating new tax revenues to provide education funding; amending RCW 83.100.020, 83.100.040, 83.100.050, 83.100.060, 83.100.070, 83.100.090, 83.100.110, 83.100.130, 83.100.140, 83.100.150, 83.100.210, and 83.100.010; adding new sections to chapter

83.100 RCW; creating new sections; repealing RCW 83.100.030 and 83.100.045; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature recognizes that on February 3, 2005, the Washington state supreme court decided in *Estate of Hemphill v. Dep't of Rev.*, Docket No. 74974-4, that Washington's estate tax is tied to the current federal Internal Revenue Code. The legislature finds that the revenue loss resulting from the *Hemphill* decision will severely affect the legislature's ability to fund programs vital to the peace, health, safety, and support of the citizens of this state. The legislature intends to address the adverse fiscal impact of the *Hemphill* decision and provide funding for education by creating a stand-alone state estate tax.

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)~~) (4) "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)) (5) "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)) (6) "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)~~) (7) "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)~~) (8) "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))~~ (9) "Resident" means a decedent who was domiciled in Washington at time of death;

~~((13))~~ (10) "Taxpayer" means a person upon whom tax is imposed under this chapter, including an estate or a person liable for tax under RCW 83.100.120;

(11) "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(e) of the Internal Revenue Code)~~. However, "transfer" does not include a qualified heir disposing of an interest in property qualifying for a deduction under section 4 of this act or ceasing to use the property for farming purposes;

~~((14))~~ "Trust" means "trust" under Washington law and any arrangement described in section 2652 of the Internal Revenue Code; and

~~((15))~~ (12) "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))~~ 2005;

(13) "Washington taxable estate" means the federal taxable estate, less: (a) One million five hundred thousand dollars for decedents dying before January 1, 2006; and (b) two million dollars for decedents dying on or after January 1, 2006; and (c) the amount of any deduction allowed under section 4 of this act; and

(14) "Federal taxable estate" means the taxable estate as determined under chapter 11 of the Internal Revenue Code without regard to: (a) The termination of the federal estate tax under section 2210 of the Internal Revenue Code or any other provision of law, and (b) the deduction for state estate, inheritance, legacy, or succession taxes allowable under section 2058 of the Internal Revenue Code.

Sec. 3. RCW 83.100.040 and 1988 c 64 s 4 are each amended to read as follows:

(1) A tax in an amount computed as provided in this section is imposed on every transfer of property located in Washington ~~((of every nonresident))~~. For the purposes of this section, any intangible property owned by a resident is located in Washington.

(2) ~~((The tax shall be computed by multiplying the federal credit by a fraction, the numerator of which is the value of the property located in Washington, and the denominator of which is the value of the decedent's gross estate.~~

~~((3) The transfer of the property of a nonresident is exempt from the tax imposed by this section to the extent that the property of residents is exempt from taxation under the laws of the state in which the nonresident is domiciled.))~~

(a) Except as provided in (b) of this subsection, the amount of tax is the amount provided in the following table:

If Washington Taxable		The amount of Tax Equals		Of Washington
Estate is at least	But Less Than	Initial Tax Amount	Plus Tax Rate %	Taxable Estate Value Greater than
\$0	\$1,000,000	\$0	10.00%	\$0
\$1,000,000	\$2,000,000	\$100,000	14.00%	\$1,000,000
\$2,000,000	\$3,000,000	\$240,000	15.00%	\$2,000,000

<u>\$3,000,000</u>	<u>\$4,000,000</u>	<u>\$390,000</u>	<u>16.00%</u>	<u>\$3,000,000</u>
<u>\$4,000,000</u>	<u>\$6,000,000</u>	<u>\$550,000</u>	<u>17.00%</u>	<u>\$4,000,000</u>
<u>\$6,000,000</u>	<u>\$7,000,000</u>	<u>\$890,000</u>	<u>18.00%</u>	<u>\$6,000,000</u>
<u>\$7,000,000</u>	<u>\$9,000,000</u>	<u>\$1,070,000</u>	<u>18.50%</u>	<u>\$7,000,000</u>
<u>Above \$9,000,000</u>		<u>\$1,440,000</u>	<u>19.00%</u>	<u>Above \$9,000,000</u>

(b) If any property in the decedent's estate is located outside of Washington, the amount of tax is the amount determined in (a) of this subsection multiplied by a fraction. The numerator of the fraction is the value of the property located in Washington. The denominator of the fraction is the value of the decedent's gross estate. Property qualifying for a deduction under section 4 of this act shall be excluded from the numerator and denominator of the fraction.

(3) The tax imposed under this section is a stand-alone estate tax that incorporates only those provisions of the Internal Revenue Code as amended or renumbered as of January 1, 2005, that do not conflict with the provisions of this chapter. The tax imposed under this chapter is independent of any federal estate tax obligation and is not affected by termination of the federal estate tax.

NEW SECTION. Sec. 4. A new section is added to chapter 83.100 RCW to read as follows:

(1) For the purposes of determining the Washington taxable estate, a deduction is allowed from the federal taxable estate for the value of qualified real property and the value of any tangible personal property used primarily for farming purposes conducted on the qualified real property, reduced by any amounts allowable as a deduction in respect of the qualified real property and tangible personal property under section 2053(a)(4) of the Internal Revenue Code, if the decedent was at the time of his or her death a citizen or resident of the United States. For the purposes of determining the deduction amount, the value of property is its value as used to determine the value of the gross estate.

(2) Property shall be considered to have been acquired from or to have passed from the decedent if:

(a) The property is so considered under section 1014(b) of the Internal Revenue Code;

(b) The property is acquired by any person from the estate; or

(c) The property is acquired by any person from a trust, to the extent the property is includible in the gross estate of the decedent.

(3) If the decedent and the decedent's surviving spouse at any time held qualified real property as community property, the interest of the surviving spouse in the property shall be taken into account under this section to the extent necessary to provide a result under this section with respect to the property which is consistent with the result which would have obtained under this section if the property had not been community property.

(4) In the case of any qualified woodland, the value of trees growing on the woodland may be deducted if otherwise qualified under this section.

(5) If property is qualified real property with respect to a decedent, hereinafter in this subsection referred to as the "first decedent," and the property was acquired from or passed from the first decedent to the surviving spouse of the first decedent, active management of the farm by the surviving spouse shall be treated as material participation by the surviving spouse in the operation of the farm.

(6) Property owned indirectly by the decedent may qualify for a deduction under this section if owned through an interest in a corporation, partnership, or trust as the terms corporation, partnership, or trust are used in section 2032A(g) of the Internal Revenue Code. In order to qualify for a deduction under this subsection, the interest, in addition to meeting the other tests for qualification under this section, must qualify under section 6166(b)(1) of the Internal Revenue Code as an interest in a closely held business on the date of the decedent's death and for sufficient other time, combined with periods of direct ownership, to equal at least five years of the eight-year period preceding the death.

(7)(a) If, on the date of the decedent's death, the requirements of subsection (10)(f)(i)(C)(II) of this section with respect to the decedent for any property are not met, and the decedent (i) was receiving old age benefits under Title II of the social security act for a continuous period ending on such date, or (ii) was disabled for a continuous period ending on this date, then subsection (10)(f)(i)(C)(II) of this section shall be applied with respect to the property by substituting "the date on which the longer of such continuous periods began" for "the date of the decedent's death" in subsection (10)(f)(i)(C) of this section.

(b) For the purposes of (a) of this subsection, an individual shall be disabled if the individual has a mental or physical impairment which renders that individual unable to materially participate in the operation of the farm.

(8) Property may be deducted under this section whether or not special valuation is elected under section 2032A of the Internal Revenue Code on the federal return.

(9)(a) In the case of any qualified replacement property, any period during which there was ownership, qualified use, or material participation with respect to the replaced property by the decedent or any member of the decedent's family shall be treated as a period during which there was ownership, use, or material participation, as the case may be, with respect to the qualified replacement property.

(b) Subsection (9)(a) of this section shall not apply to the extent that the fair market value of the qualified replacement property, as of the date of its acquisition, exceeds the fair market value of the replaced property, as of the date of its disposition.

(c) For the purposes of this subsection (9), the following definitions apply:

(i) "Qualified replacement property" means any real property:

(A) Which is acquired in an exchange which qualifies under section 1031 of the Internal Revenue Code; or

(B) The acquisition of which results in the nonrecognition of gain under section 1033 of the Internal Revenue Code.

The term "qualified replacement property" only includes property which is used for the same qualified use as the replaced property was being used before the exchange.

(ii) "Replaced property" means the property was:

(A) Transferred in the exchange which qualifies under section 1031 of the Internal Revenue Code; or

(B) Compulsorily or involuntarily converted within the meaning of section 1033 of the Internal Revenue Code.

(10) For the purposes of this section, the following definitions apply:

(a) "Active management" means the making of the management decisions of a farm, other than the daily operating decisions.

(b) "Farm" includes stock, dairy, poultry, fruit, furbearing animal, and truck farms; plantations; ranches; nurseries; ranges; greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities; and orchards and woodlands.

(c) "Farming purposes" means:

(i) Cultivating the soil or raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of animals on a farm;

(ii) Handling, drying, packing, grading, or storing on a farm any agricultural or horticultural commodity in its unmanufactured state, but only if the owner, tenant, or operator of the farm regularly produces more than one-half of the commodity so treated; and

(iii)(A) The planting, cultivating, caring for, or cutting of trees; or

(B) The preparation, other than milling, of trees for market.

(d) "Member of the family" means, with respect to any individual, only:

(i) An ancestor of the individual;

(ii) The spouse of the individual;

(iii) A lineal descendant of the individual, of the individual's spouse, or of a parent of the individual; or

(iv) The spouse of any lineal descendant described in (d)(iii) of this subsection.

For the purposes of this subsection (10)(d), a legally adopted child of an individual shall be treated as the child of such individual by blood.

(e) "Qualified heir" means, with respect to any property, a member of the decedent's family who acquired property, or to whom property passed, from the decedent.

(f)(i) "Qualified real property" means real property which was acquired from or passed from the decedent to a qualified heir of the decedent and which, on the date of the decedent's death, was being used for a qualified use by the decedent or a member of the decedent's family, but only if:

(A) Fifty percent or more of the adjusted value of the gross estate consists of the adjusted value of real or personal property which:

(I) On the date of the decedent's death, was being used for a qualified use by the decedent or a member of the decedent's family; and

(II) Was acquired from or passed from the decedent to a qualified heir of the decedent;

(B) Twenty-five percent or more of the adjusted value of the gross estate consists of the adjusted value of real property which meets the requirements of (f)(i)(A)(II) and (f)(i)(C) of this subsection; and

(C) During the eight-year period ending on the date of the decedent's death there have been periods aggregating five years or more during which:

(I) The real property was owned by the decedent or a member of the decedent's family and used for a qualified use by the decedent or a member of the decedent's family; and

(II) There was material participation by the decedent or a member of the decedent's family in the operation of the farm. For the purposes of this subsection (f)(i)(C)(II), material participation shall be determined in a manner

similar to the manner used for purposes of section 1402(a)(1) of the Internal Revenue Code.

(ii) For the purposes of this subsection, the term "adjusted value" means:

(A) In the case of the gross estate, the value of the gross estate, determined without regard to any special valuation under section 2032A of the Internal Revenue Code, reduced by any amounts allowable as a deduction under section 2053(a)(4) of the Internal Revenue Code; or

(B) In the case of any real or personal property, the value of the property for purposes of chapter 11 of the Internal Revenue Code, determined without regard to any special valuation under section 2032A of the Internal Revenue Code, reduced by any amounts allowable as a deduction in respect of such property under section 2053(a)(4) of the Internal Revenue Code.

(g) "Qualified use" means the property is used as a farm for farming purposes. In the case of real property which meets the requirements of (f)(i)(C) of this subsection, residential buildings and related improvements on the real property occupied on a regular basis by the owner or lessee of the real property or by persons employed by the owner or lessee for the purpose of operating or maintaining the real property, and roads, buildings, and other structures and improvements functionally related to the qualified use shall be treated as real property devoted to the qualified use.

(h) "Qualified woodland" means any real property which:

(i) Is used in timber operations; and

(ii) Is an identifiable area of land such as an acre or other area for which records are normally maintained in conducting timber operations.

(i) "Timber operations" means:

(i) The planting, cultivating, caring for, or cutting of trees; or

(ii) The preparation, other than milling, of trees for market.

Sec. 5. RCW 83.100.050 and 1988 c 64 s 6 are each amended to read as follows:

(1) ~~((The))~~ A Washington return must be filed if: (a) A federal return is required to be filed; or (b) for decedents dying prior to January 1, 2006, the gross estate exceeds one million five hundred thousand dollars; or (c) for decedents dying on or after January 1, 2006, the gross estate exceeds two million dollars.

(2)(a) A person required to file ~~((the))~~ a federal return shall file with the department on or before the date the federal return is required to be filed, including any extension of time for filing ~~((the federal return-~~

~~(a))~~ under subsection (4) of this section, a Washington return for the tax due under this chapter~~(; and~~

~~(b) A copy of the federal return.~~

~~No Washington return need be filed if no federal return is required).~~

(b) If no federal return is required to be filed, a taxpayer shall file with the department on or before the date a federal return would have been required to be filed, including any extension of time for filing under subsection (5) of this section, a Washington return for the tax due under this chapter.

(3) A Washington return delivered to the department by United States mail shall be considered to have been received by the department on the date of the United States postmark stamped on the cover in which the return is mailed, if the postmark date is within the time allowed for filing the Washington return, including extensions.

~~((2))~~ (4) In addition to the Washington return required to be filed in subsection (2) of this section, a person, if required to file a federal return, shall file with the department on or before the date the federal return, is required to be filed a copy of the federal return along with all supporting documentation. If the person required to file the federal return has obtained an extension of time for filing the federal return, the person shall file the Washington return within the same time period and in the same manner as provided for the federal return. A copy of the federal extension shall be filed with the department on or before the date the Washington return is due, not including any extension of time for filing, or within thirty days of issuance, whichever is later.

(5) A person who is required to file a Washington return under subsection (2) of this section, but is not required to file a federal return, may obtain an extension of time for filing the Washington return as provided by rule of the department.

Sec. 6. RCW 83.100.060 and 1988 c 64 s 7 are each amended to read as follows:

(1) The taxes imposed by this chapter shall be paid by the person required to file ~~((the federal))~~ a Washington return on or before the date the Washington return is required to be filed under RCW 83.100.050, not including any extension of time for filing. Payment delivered to the department by United States mail shall be considered to have been received by the department on the date of the United States postmark stamped on the cover in which payment is mailed, if the postmark date is within the time allowed for making the payment, including any extensions.

(2) If the person ~~((required to file the federal return))~~ has obtained an extension of time for payment of the federal tax or has elected to pay such tax in installments, the person may elect to pay the tax imposed by this chapter within the same time period and in the same manner as provided for payment of the federal tax. A copy of the federal extension shall be filed on or before the date the tax imposed by this chapter is due, not including any extension of time for payment, or within thirty days of issuance, whichever is later.

(3) A person who is required to file a Washington return under RCW 83.100.050, but is not required to file a federal return, may obtain an extension of time for payment of the Washington tax or elect to pay such tax in installments as provided by rule of the department.

(4) The periods of limitation in RCW 83.100.130 and section 14 of this act shall extend an additional three years beyond the due date of the last scheduled installment payment authorized under this section.

Sec. 7. RCW 83.100.070 and 2000 c 105 s 1 are each amended to read as follows:

(1) For periods before January 2, 1997, any tax due under this chapter which is not paid by the due date under RCW 83.100.060(1) shall bear interest at the rate of twelve percent per annum from the date the tax is due until the date of payment.

(2) Interest imposed under this section for periods after January 1, 1997, shall be computed at the rate as computed under RCW 82.32.050(2). The rate so computed shall be adjusted on the first day of January of each year.

(3)(a) If the Washington return is not filed when due under RCW 83.100.050 and the person required to file the ~~((federal))~~ Washington return under RCW 83.100.050 voluntarily ~~((reports the filing and))~~ files ~~((both))~~ the ~~((state and federal estate tax returns))~~ Washington return with the department before the department notifies the person in writing that the department has determined that the person has not filed a Washington return, no penalty is imposed on the person required to file the ~~((federal))~~ Washington return.

(b) If the Washington return is not filed when due under RCW 83.100.050 and the person required to file the ~~((federal))~~ Washington return under RCW 83.100.050 does not file a return with the department before the department notifies the person in writing that the department has determined that the person has not filed a ~~((state estate tax))~~ Washington return, the person required to file the ~~((federal))~~ Washington return shall pay, in addition to interest, a penalty equal to five percent of the tax due for each month after the date the return is due until filed. However, in no instance may the penalty exceed the lesser of twenty-five percent of the tax due or one thousand five hundred dollars.

(c) If the department finds that a return due under this chapter has not been filed by the due date, and the delinquency was the result of circumstances beyond the control of the responsible person, the department shall waive or cancel any penalties imposed under this chapter with respect to the filing of such a tax return. The department shall adopt rules for the waiver or cancellation of the penalties imposed by this section.

Sec. 8. RCW 83.100.090 and 1988 c 64 s 10 are each amended to read as follows:

Notwithstanding the periods of limitation in section 14 of this act and RCW 83.100.130:

(1) If the person required to file the ~~((federal))~~ Washington return under RCW 83.100.050 files an amended federal return, that person shall immediately file with the department an amended Washington return with a copy of the amended federal return. If the amended Washington return requires payment of an additional tax under this chapter, the tax shall be paid in accordance with RCW 83.100.060 and interest shall be paid in accordance with RCW 83.100.070.

(2) Upon any adjustment in, or final determination of, the amount of federal tax due, the person required to file the ~~((federal))~~ Washington return under RCW 83.100.050 shall notify the department in writing within ~~((sixty))~~ one hundred twenty days after the adjustment or final determination. If the adjustment or final determination requires payment of an additional tax under this chapter, the tax shall be paid in accordance with RCW 83.100.060 and interest shall be paid in accordance with RCW 83.100.070.

(3) If the department determines the amended Washington return, adjustment, or final determination requires payment of an additional tax under this chapter, the department may assess against the taxpayer an additional amount found to be due within one year of receipt of the amended Washington return or written notice as required by this section, or at any time if no amended Washington return is filed or notice is provided as required by this section. The execution of a written waiver at the request of the department by the person required to file the Washington return under RCW 83.100.050 may extend this limitation. Interest shall be added to the amount of tax assessed by the

department in accordance with RCW 83.100.070. The department shall notify the taxpayer by mail of the additional amount, and the additional amount shall become due and shall be paid within thirty days from the date of the notice, or within such further time as the department may provide.

(4) If the department determines the amended Washington return, adjustment, or final determination requires the refund of overpaid tax, penalties, or interest under this chapter, the department shall refund the amount of the overpayment with interest in accordance with RCW 83.100.130. The person required to file the Washington return under RCW 83.100.050 shall provide the department with any additional information or supporting documents necessary to determine if a refund is due. The execution of a written waiver to extend the period for assessment under subsection (3) of this section shall extend the time for making a refund, if prior to the expiration of the waiver period an application for refund of the taxes is made by the person required to file the Washington return under RCW 83.100.050, or the department discovers a refund is due.

Sec. 9. RCW 83.100.110 and 1988 c 64 s 11 are each amended to read as follows:

(1) Unless any tax due under this chapter is sooner paid in full, it shall be a lien upon the property subject to the tax for a period of ten years from the date of the transfer (~~(or the generation-skipping transfer)~~), except that any part of the property which is used for the payment of claims against the property or expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of the lien. Liens created under this subsection shall be qualified as follows:

(a) Any part of the property subject to the tax which is sold to a bona fide purchaser shall be divested of the lien and the lien shall be transferred to the proceeds of the sale; and

(b) The lien shall be subordinate to any mortgage or deed of trust on the property pursuant to an order of court for payment of claims against the property or expenses of administration. The lien shall attach to any proceeds from the sale of the property in excess of the obligations secured by the mortgage or deed of trust and the expenses of sale, including a reasonable charge by the trustee and by his or her attorney where the property has been sold by a nonjudicial trustee's sale pursuant to chapter 61.24 RCW, and including court costs and any attorneys' fees awarded by the superior court of the county in which the property is sold at sheriff's sale pursuant to a judicial foreclosure of the mortgage or deed of trust.

(2) If the person required to file the (~~(federal)~~) Washington return under RCW 83.100.050 has obtained an extension of time for payment of the (~~(federal)~~) tax or has elected to pay such tax in installments, the tax lien under this section shall be extended as necessary to prevent its expiration prior to twelve months following the expiration of any such extension or the installment.

(3) The tax lien shall be extended as necessary to prevent its expiration prior to twelve months following the conclusion of litigation of any question affecting the determination of the amount of tax due if a lis pendens has been filed with the auditor of the county in which the property is located.

Sec. 10. RCW 83.100.130 and 1997 c 157 s 6 are each amended to read as follows:

(1) ~~((Whenever))~~ If, upon receipt of an application by a taxpayer for a refund, or upon examination of the returns or records of any taxpayer, the department determines that within the statutory period for assessment of taxes, penalties, or interest prescribed by section 14 of this act a person required to file the ((federal)) Washington return under RCW 83.100.050 has overpaid the tax due under this chapter, the department shall refund the amount of the overpayment, together with interest ((at the then existing rate under RCW 83.100.070(1))) as provided in subsection (2) of this section. If the application for refund, with supporting documents, is filed within ~~((four months))~~ one hundred twenty days after an adjustment or final determination of federal tax liability, the department shall pay interest until the date the refund is mailed. If the application for refund, with supporting documents, is filed after ~~((four months))~~ one hundred twenty days after the adjustment or final determination, the department shall pay interest only until the end of the ~~((four month))~~ one hundred twenty-day period.

(2) Interest refunded under this section for periods before January 2, 1997, shall be computed at the rate provided in RCW 83.100.070(1). Interest refunded under this section for periods after January 1, 1997, through December 31, 1998, shall be computed on a daily basis at the rate as computed under RCW 82.32.050(2) less one percentage point. Interest allowed for periods after December 31, 1998, shall be computed at the rate as computed under RCW 82.32.050(2). Except as provided in subsection (1) of this section, interest shall be refunded from the date of overpayment until the date the refund is mailed. The rate so computed shall be adjusted on the first day of January of each year.

(3) Except as otherwise provided in subsection (4) of this section and RCW 83.100.090, no refund shall be made for taxes, penalties, or interest paid more than four years prior to the beginning of the calendar year in which the refund application is made or an examination of records is complete.

(4) The execution of a written waiver under section 14 of this act shall extend the time for making a refund if, prior to the expiration of the waiver period, an application for refund is made by the taxpayer or the department discovers a refund is due.

(5) An application for refund shall be on a form prescribed by the department and shall contain any information and supporting documents the department requires.

Sec. 11. RCW 83.100.140 and 1988 c 64 s 13 are each amended to read as follows:

Any person required to file the ~~((federal))~~ Washington return who ~~((willfully))~~ willfully fails to file a Washington return when required by this chapter or who ~~((willfully))~~ willfully files a false return commits a gross misdemeanor as defined in Title 9A RCW and shall be punished as provided in Title 9A RCW for the perpetration of a gross misdemeanor.

Sec. 12. RCW 83.100.150 and 1988 c 64 s 14 are each amended to read as follows:

~~((+))~~ The department may collect the estate tax imposed under RCW ((83.100.030 and)) 83.100.040, including interest and penalties, and shall represent this state in all matters pertaining to the same, either before courts or in any other manner. At any time after the Washington return is due, the

department may file its findings regarding the amount of the tax (~~(the federal credit)~~) computed as provided in RCW 83.100.040, the person required to file the ~~((federal))~~ Washington return under RCW 83.100.050, and all persons having an interest in property subject to the tax with the clerk of the superior court in the matter of the estate of the decedent or, if no probate or administration proceedings have been commenced in any court of this state, of the superior court for the county in which the decedent was a resident, if the resident was a domiciliary, or, if the decedent was a nondomiciliary, of any superior court which has jurisdiction over the property. Such a court first acquiring jurisdiction shall retain jurisdiction to the exclusion of every other court.

~~((2) The department may collect the generation skipping transfer tax under RCW 83.100.045, including interest and penalties, and shall represent this state in all matters pertaining to the same, either before courts or in any other manner. At any time after the Washington return is due, the department may file its findings regarding the amount of the tax, the federal credit, the person required to file the federal return, and all persons having an interest in property subject to the tax with the clerk of the superior court in the matter of the trust or the estate of the decedent, if any, or, if no trust, probate or administration proceedings have been commenced in any court of this state, of any superior court which has jurisdiction over the property. Such a court first acquiring jurisdiction shall retain jurisdiction to the exclusion of every other court.))~~

NEW SECTION. Sec. 13. A new section is added to chapter 83.100 RCW to read as follows:

(1) If the federal taxable estate on the federal return is determined by making an election under section 2056 or 2056A of the Internal Revenue Code, or if no federal return is required to be filed, the department may provide by rule for a separate election on the Washington return, consistent with section 2056 or 2056A of the Internal Revenue Code, for the purpose of determining the amount of tax due under this chapter. The election shall be binding on the estate and the beneficiaries, consistent with the Internal Revenue Code. All other elections or valuations on the Washington return shall be made in a manner consistent with the federal return, if a federal return is required, and such rules as the department may provide.

(2) Amounts deducted for federal income tax purposes under section 642(g) of the Internal Revenue Code of 1986, shall not be allowed as deductions in computing the amount of tax due under this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 83.100 RCW to read as follows:

(1) If upon examination of any returns or from other information obtained by the department it appears that a tax or penalty has been paid less than that properly due, the department shall assess against the taxpayer an additional amount found to be due and shall add interest as provided in RCW 83.100.070 on the tax only. The department shall notify the taxpayer by mail of the additional amount, and the additional amount shall become due and shall be paid within thirty days from the date of the notice, or within such further time as the department may provide.

(2) Interest shall be computed from the original due date of the Washington return until the due date of the notice. If payment in full is not made by the due

date of the notice, additional interest shall be computed until the date of payment.

(3) No assessment or correction of an assessment for additional taxes, penalties, or interest due may be made by the department more than four years after the close of the calendar year in which a Washington return is due under this chapter, including any extension of time for filing, except upon a showing of fraud or of misrepresentation of a material fact by the taxpayer or as provided under subsection (4) or (5) of this section or as otherwise provided in this chapter.

(4) For persons liable for tax under RCW 83.100.120, the period for assessment or correction of an assessment shall extend an additional three years beyond the period described in subsection (3) of this section.

(5) A taxpayer may extend the periods of limitation under subsection (3) or (4) of this section by executing a written waiver. The execution of the waiver shall also extend the period for making a refund as provided in RCW 83.100.130.

Sec. 15. RCW 83.100.210 and 1996 c 149 s 18 are each amended to read as follows:

(1) The following provisions of chapter 82.32 RCW have full force and application with respect to the taxes imposed under this chapter unless the context clearly requires otherwise: RCW 82.32.110, 82.32.120, 82.32.130, 82.32.320, and 82.32.340. The definitions in this chapter have full force and application with respect to the application of chapter 82.32 RCW to this chapter unless the context clearly requires otherwise.

(2) The department may enter into closing agreements as provided in RCW 82.32.350 and 82.32.360.

NEW SECTION. Sec. 16. A new section is added to chapter 83.100 RCW to read as follows:

All receipts from taxes, penalties, interest, and fees collected under this chapter must be deposited into the education legacy trust account.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) RCW 83.100.030 (Residents—Estate tax imposed—Credit for tax paid other state) and 1988 c 64 s 3 & 1981 2nd ex.s. c 7 s 83.100.030; and

(2) RCW 83.100.045 (Generation-skipping transfers—Tax imposed—Credit for tax paid to another state) and 1988 c 64 s 5.

NEW SECTION. Sec. 18. The repealed sections in section 17 of this act do not affect any existing right acquired or liability or obligation incurred under the statutes repealed or under any rule or order adopted under those statutes nor do they affect any proceeding instituted under them.

Sec. 19. RCW 83.100.010 and 1988 c 64 s 1 are each amended to read as follows:

This chapter may be cited as the "Estate and Transfer Tax Act (~~of 1988~~)."

NEW SECTION. Sec. 20. This act applies prospectively only and not retroactively. Sections 2 through 17 of this act apply only to estates of decedents dying on or after the effective date of this section.

NEW SECTION. Sec. 21. 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. 22. 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.

Passed by the Senate April 19, 2005.
Passed by the House April 22, 2005.
Approved by the Governor May 17, 2005.
Filed in Office of Secretary of State May 17, 2005.

CHAPTER 517

[Engrossed Senate Bill 6121]

FISCAL MATTERS—DEPARTMENT OF AGRICULTURE

AN ACT Relating to fiscal matters; adding a new section to chapter ... (ESSB 6090), Laws of 2005 (uncodified); and making appropriations.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter ... (ESSB 6090), Laws of 2005 (uncodified) to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State Appropriation (FY 2006)	\$1,500,000
General Fund—State Appropriation (FY 2007)	\$500,000
TOTAL APPROPRIATION	\$2,000,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the general fund—state appropriation for fiscal year 2006 is provided solely to extend and expand the department of agriculture's asparagus automation and mechanization program under chapter 16-730 WAC in an effort to strengthen the asparagus post-harvest industry.

(2) \$500,000 of the general fund—state appropriation for fiscal year 2006 and \$500,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to research and develop new hop harvesting technologies and for associated pilot projects.

Passed by the Senate April 23, 2005.
Passed by the House April 24, 2005.
Approved by the Governor May 17, 2005.
Filed in Office of Secretary of State May 17, 2005.

CHAPTER 518

[Engrossed Substitute Senate Bill 6090]

FISCAL MATTERS

AN ACT Relating to fiscal matters; amending RCW 28A.160.195, 28A.305.210, 28A.500.030, 28A.600.110, 28A.600.150, 28B.76.660, 41.05.050, 41.05.065, 41.05.120, 41.50.110, 41.50.110, 43.07.130, 43.08.190, 43.08.250, 43.10.180, 43.30.305, 43.43.944, 43.72.900, 43.135.045, 50.20.190, 66.16.010, 67.40.040, 69.50.520, 70.83.040, 70.93.180, 70.146.030, 70.146.080, 70.148.020, 72.11.040, 74.46.431, 79.64.040, 79.90.245, 86.26.007, 43.185.050, 43.185.070, and 43.185A.030; amending 2004 c 276 ss 106, 107, 108, 110, 111, 115, 117, 118, 120,

121, 123, 124, 126, 129, 131, 132, 201, 202, 203, 204, 205, 206, 207, 208, 209, 211, 212, 213, 214, 215, 217, 218, 219, 301, 302, 304, 306, 307, 308, 402, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 513, 514, 515, 516, 603, 701, 702, 703, 709, 802 (uncodified); amending 2003 1st sp.s. c 25 ss 119, 152, 617, and 706 (uncodified); reenacting and amending RCW 28B.102.040, 43.320.110, and 50.16.010; adding new sections to 2003 1st sp.s. c 25 (uncodified); creating new sections; making appropriations; providing an effective date; providing expiration dates; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through VIII of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2005, and ending June 30, 2007, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2006" or "FY 2006" means the fiscal year ending June 30, 2006.

(b) "Fiscal year 2007" or "FY 2007" means the fiscal year ending June 30, 2007.

(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.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is unnecessary to fulfill the specified purpose shall lapse.

**PART I
GENERAL GOVERNMENT**

***NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES**

General Fund—State Appropriation (FY 2006)	\$30,411,000
General Fund—State Appropriation (FY 2007)	\$30,900,000
TOTAL APPROPRIATION	\$61,311,000

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 2006 is provided solely for the committee on fiscal stability.

(a) The committee on fiscal stability is created, consisting of six members as follows: Three members shall be appointed by the leader of each of the two largest caucuses of the house of representatives. The governor shall appoint an additional person to serve as the chair of the committee. The chair may vote on procedural questions, but may not vote on substantive questions concerning the research or recommendations of the committee.

(b) *The committee shall develop recommendations for specific statutory and constitutional provisions to establish or revise the following: (i) Spending limitations; (ii) tax limits; (iii) emergency reserve accounts; and (iv) tax reforms necessary to create a sustainable system of state and local finance, improve the fairness of state and local taxation, and improve the competitiveness of the state's economy.*

(c) *The committee shall conduct a series of public hearings on these topics and its proposed recommendations. The hearings shall be held in locations across the state and shall be structured to encourage full participation by persons who represent a balance of perspectives and constituencies. The committee shall submit its findings and recommendations in a report to the fiscal committees of the legislature by January 1, 2006.*

(d) *The committee shall use legislative facilities and staff from the office of program research. The department of revenue shall provide necessary support and information to the committee. The chair of the committee shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060. All expenses of the committee, including travel, shall be paid by the house of representatives.*

(2) \$25,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for the children's and family services task force established in Engrossed Substitute Senate Bill No. 5872 (family/children's department). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

*Sec. 101 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund—State Appropriation (FY 2006)	\$23,253,000
General Fund—State Appropriation (FY 2007)	\$25,368,000
TOTAL APPROPRIATION	\$48,621,000

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for the children's and family services task force established in Engrossed Substitute Senate Bill No. 5872 (family/children's department). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund—State Appropriation (FY 2006)	\$2,531,000
General Fund—State Appropriation (FY 2007)	\$1,953,000
TOTAL APPROPRIATION	\$4,484,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2005-07 work plan as necessary to efficiently manage workload.

(2)(a) \$100,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for a study of the basic health plan. Part 1 of the study shall examine the extent to which basic health plan policies and procedures promote

or discourage the provision of appropriate, high-quality, cost-effective care to basic health plan enrollees. Issues to be addressed include, but are not limited to, whether (i) enrollees are encouraged to engage in wellness activities and receive preventative services; (ii) evidence-based treatment strategies are identified and promoted; (iii) enrollees are encouraged to use high-quality providers; (iv) enrollees with chronic or other high-cost conditions are identified and provided with appropriate interventions; and (v) innovative health care service delivery methods are encouraged. Part 1 of the study report shall be completed by December 2005.

(b) Part 2 of the study shall examine the characteristics of individuals enrolled in the basic health plan, and their use of health care services, including, but not limited to, (i) enrollee longevity on the basic health plan; (ii) circumstances that led to basic health plan enrollment; (iii) how enrollees obtained health care prior to basic health plan enrollment; (iv) health care coverage of other household members; (v) service utilization patterns; and (vi) employment status and by whom basic health plan enrollees are employed. Part 2 of the study must be completed by July, 2006.

(3) \$188,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for the cost of evaluating the effectiveness of the job development fund grant program required by House Bill No. 1903 (creating a job development fund). If House Bill No. 1903 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$100,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for an evaluation of the budget process used for information technology projects. The evaluation will include: Itemizing total costs for current information technology funding across state agencies; analyzing current processes by which information funding is requested and evaluated; analyzing processes used in the private sector and other states; and assessing the applicability of other practices for improving the state's funding process. A report is due in January 2006.

(5) \$125,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for a study of the current state pupil transportation funding formula. The study will evaluate the extent to which the formula captures the costs of providing pupil transportation for basic education programs. Based on the results of this evaluation, the study shall develop alternative formulas for allocating state funding to school districts for the transportation of students for basic education programs. The alternative formulas shall take into account the legislative definition of basic education programs, promote the efficient use of state and local resources, and allow local district control over the management of pupil transportation systems. In addition, the study shall include a review of the funding mechanisms used by other states and identify best practices.

(6) Within amounts provided in this section, the committee shall conduct a review of the special education excess cost accounting methodology and expenditure reporting requirements. The committee shall work with the state auditor's office and develop a mutually acceptable work plan in conducting this review. This review may include, but is not limited to: (a) An analysis of the current special education excess cost accounting methodology and related special education expenditure reporting requirements; (b) an examination of whether opportunities exist for modifying the current excess cost accounting

methodology and expenditure reporting requirements; (c) an assessment of the potential impact on school districts if the current excess cost accounting methodology and expenditure reporting requirements are modified; and (d) any findings and recommendations from the state auditor's office examination of whether school districts are appropriately and consistently applying the current excess cost methodology. The committee shall provide a report to the appropriate policy and fiscal committees of the legislature in January 2006.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for the consultant costs related to the study identified in section 505 of Engrossed Second Substitute Senate Bill No. 5763 (mental disorders treatment). If this section is not enacted by June 30, 2005, these amounts shall lapse.

(8) \$86,000 of the general fund—state appropriation for fiscal year 2006 is provided solely to implement the provisions of Engrossed Substitute House Bill No. 1064 (government performance). If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund—State Appropriation (FY 2006)	\$1,737,000
General Fund—State Appropriation (FY 2007)	\$1,921,000
TOTAL APPROPRIATION	\$3,658,000

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

Department of Retirement Systems Expense Account—	
State Appropriation	\$3,013,000

The appropriation in this section is subject to the following conditions and limitations: By December 1, 2005, the state actuary shall conduct an actuarial analysis that quantifies, to the greatest extent permissible from available experience data, the fiscal impact of the retire-rehire program for plan 1 of the public employees' retirement system and the teachers' retirement system enacted by chapter 10, Laws of 2001 and chapter 412, Laws of 2003. In addition to the actuarial analysis, the state actuary shall present a range of legislative alternatives to the plan 1 retire-rehire program, including an actuarial analysis of the fiscal impact of proposals to increase the maximum retirement allowance beyond sixty percent of average final compensation. The analysis shall be submitted to the select committee on pension policy, the senate committee on ways and means, and the house of representatives committee on appropriations.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund—State Appropriation (FY 2006)	\$7,288,000
General Fund—State Appropriation (FY 2007)	\$7,248,000
TOTAL APPROPRIATION	\$14,536,000

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund—State Appropriation (FY 2006)	\$4,112,000
General Fund—State Appropriation (FY 2007)	\$4,398,000
TOTAL APPROPRIATION	\$8,510,000

NEW SECTION. Sec. 108. LEGISLATIVE AGENCIES. In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, and statute law committee.

NEW SECTION. Sec. 109. FOR THE SUPREME COURT

General Fund—State Appropriation (FY 2006)	\$6,085,000
General Fund—State Appropriation (FY 2007)	\$6,346,000
TOTAL APPROPRIATION	\$12,431,000

NEW SECTION. Sec. 110. FOR THE LAW LIBRARY

General Fund—State Appropriation (FY 2006)	\$2,011,000
General Fund—State Appropriation (FY 2007)	\$2,020,000
TOTAL APPROPRIATION	\$4,031,000

NEW SECTION. Sec. 111. FOR THE COURT OF APPEALS

General Fund—State Appropriation (FY 2006)	\$13,866,000
General Fund—State Appropriation (FY 2007)	\$14,358,000
TOTAL APPROPRIATION	\$28,224,000

NEW SECTION. Sec. 112. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund—State Appropriation (FY 2006)	\$1,055,000
General Fund—State Appropriation (FY 2007)	\$1,107,000
TOTAL APPROPRIATION	\$2,162,000

NEW SECTION. Sec. 113. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—State Appropriation (FY 2006)	\$19,657,000
General Fund—State Appropriation (FY 2007)	\$20,081,000
Public Safety and Education Account—State Appropriation	\$50,106,000
Judicial Information Systems Account—State Appropriation	\$25,641,000
TOTAL APPROPRIATION	\$115,485,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$900,000 of the general fund—state appropriation for fiscal year 2006 and \$900,000 of the general fund—state appropriation for fiscal year 2007 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.

(2) \$3,000,000 of the public safety and education account appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(3) \$13,224,000 of the public safety and education account 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. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, 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.

(4) The distributions made under subsection (3) of this section 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.

(5) Each fiscal year during the 2005-07 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(6) \$82,000 of the general fund—state appropriation for fiscal year 2006 and \$82,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1112 (creating an additional superior court position). If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(7) \$75,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for the implementation of Substitute House Bill No. 1854 (driving privilege) and Engrossed Second Substitute Senate Bill No. 5454 (court operations). If neither bill is enacted by June 30, 2005, the amount in this subsection shall lapse.

NEW SECTION. Sec. 114. FOR THE OFFICE OF PUBLIC DEFENSE

General Fund—State Appropriation (FY 2006)	\$1,490,000
General Fund—State Appropriation (FY 2007)	\$2,078,000
Public Safety and Education Account—State	
Appropriation	\$13,175,000
TOTAL APPROPRIATION	\$16,743,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$800,000 of the general fund—state appropriation for fiscal year 2006 and \$1,000,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to expand the parent representation project in dependency and termination cases.

(2) Amounts provided from the public safety and education account appropriation in this section include funding for investigative services in death penalty personal restraint petitions.

(3) Within amounts appropriated in this section and in Engrossed Second Substitute Senate Bill No. 5454, the office may, at its discretion, implement Second Substitute House Bill No. 1542 (indigent defense services).

NEW SECTION. Sec. 115. FOR THE OFFICE OF CIVIL LEGAL AID

General Fund—State Appropriation (FY 2006)	\$2,883,000
General Fund—State Appropriation (FY 2007)	\$2,832,000
Public Safety and Education Account—State Appropriation	\$4,705,000
Violence Reduction and Drug Enforcement Account— State Appropriation	\$2,987,000
TOTAL APPROPRIATION	\$13,407,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,783,000 of the general fund—state appropriation for fiscal year 2006, \$2,732,000 of the general fund—state appropriation for fiscal year 2007, \$4,705,000 of the public safety and education account—state appropriation, and \$2,987,000 of the violence reduction and drug enforcement account—state appropriation are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, these appropriations shall be made to the department of community, trade, and economic development and are provided solely for the purpose of civil legal services.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2006 and \$100,000 of the general fund—state appropriation for fiscal year 2007 are contingent upon enactment of Substitute House Bill No. 1747 (civil legal services). If the bill is not enacted by June 30, 2005, the appropriation shall be made to the department of community, trade, and economic development and is provided solely for a general farm organization with members in every county of the state to develop and administer an alternative dispute resolution system for disputes between farmers and farm workers.

NEW SECTION. Sec. 116. FOR THE OFFICE OF THE GOVERNOR

General Fund—State Appropriation (FY 2006)	\$5,600,000
General Fund—State Appropriation (FY 2007)	\$5,279,000
General Fund—Federal Appropriation	\$1,364,000
Oil Spill Prevention Account Appropriation	\$508,000
Water Quality Account—State Appropriation	\$4,184,000
TOTAL APPROPRIATION	\$16,935,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,112,000 of the water quality account appropriation and \$1,150,000 of the general fund—federal appropriation are provided solely for the Puget Sound water quality action team to implement the Puget Sound conservation and recovery plan action items PSAT-01 through PSAT-06.

(2) \$200,000 of the general fund—state appropriation for fiscal year 2006, \$200,000 of the general fund—state appropriation for fiscal year 2007, and \$200,000 of the general fund—federal appropriation are provided solely for one-time corrective actions to address Hood canal's dissolved oxygen problems, the Puget Sound conservation and recovery plan action item PSAT-07.

(3) As described in section 129(7) of this act, the Puget Sound water quality action team shall make recommendations and report on monitoring activities related to salmon recovery.

(4) \$250,000 of the general fund—state appropriation for fiscal year 2006 and \$100,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1152 (early learning council). If House Bill No. 1152 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) For the governor's funding request pursuant to RCW 74.39A.300 to be submitted to the legislature by December 20, 2006, it is the intent of the legislature to consider a fringe benefits funding request that provides health care benefits substantially equivalent in cost to those available to individual providers pursuant to chapter 25, Laws of 2003 1st sp. sess.

(6) \$100,000 of the general fund—state appropriation for fiscal year 2006 and \$100,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to implement Engrossed Substitute House Bill No. 2097 (management program for Hood Canal). If Engrossed Substitute House Bill No. 2097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$100,000 of the general fund—state appropriation for fiscal year 2006 and \$100,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for a review of ocean policy issues in cooperation with individuals with appropriate expertise and the departments of ecology, fish and wildlife, and natural resources. By December 31, 2005, the governor's office shall identify the recommendations of the U.S. commission on ocean policy appropriate for immediate implementation. By December 31, 2006, the governor's office shall provide a report: (a) Summarizing the condition of the state's ocean resources and their contribution to the state's character, quality of life, and economic viability; (b) recommending improvements in coordination among state agencies and other jurisdictions; (c) recommending measures to protect and manage ocean resources; (d) recommending measures to finance ocean protection, management, and development programs; and (e) recommending legislation regarding ocean resources or policy.

(8) \$508,000 of the oil spill prevention account appropriation is provided solely for the oil spill advisory council established in Engrossed Substitute Senate Bill No. 5432 (oil spill oversight council). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 117. FOR THE LIEUTENANT GOVERNOR

General Fund—State Appropriation (FY 2006)	\$752,000
General Fund—State Appropriation (FY 2007)	\$766,000
General Fund—Local Appropriation	\$1,000
TOTAL APPROPRIATION	\$1,519,000

NEW SECTION. Sec. 118. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund—State Appropriation (FY 2006)	\$1,989,000
General Fund—State Appropriation (FY 2007)	\$2,009,000
TOTAL APPROPRIATION	\$3,998,000

NEW SECTION. Sec. 119. FOR THE SECRETARY OF STATE

General Fund—State Appropriation (FY 2006)	\$19,102,000
General Fund—State Appropriation (FY 2007)	\$17,323,000
General Fund—Federal Appropriation	\$7,092,000
General Fund—Private/Local Appropriation	\$125,000
Archives and Records Management Account—State Appropriation	\$8,127,000
Department of Personnel Services Account—State Appropriation	\$719,000
Local Government Archives Account—State Appropriation	\$12,138,000
Election Account—Federal Appropriation	\$47,009,000
TOTAL APPROPRIATION	\$111,635,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund—state appropriation for fiscal year 2006 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) \$1,999,000 of the general fund—state appropriation for fiscal year 2006 and \$2,403,000 of the general fund—state appropriation for fiscal year 2007 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 2006 and \$118,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for legal advertising of state measures under RCW 29.27.072.

(4)(a) \$2,028,004 of the general fund—state appropriation for fiscal year 2006 and \$2,063,772 of the general fund—state appropriation for fiscal year 2007 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 2005-07 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. 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 contract with the nonprofit organization to provide public affairs coverage.

(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) \$196,000 of the general fund—state appropriation for fiscal year 2006 and \$173,000 of the general fund—state appropriation for fiscal year 2007 are provided for the implementation of House Bill No. 1749 (county election procedures). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 120. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund—State Appropriation (FY 2006)	\$277,000
General Fund—State Appropriation (FY 2007)	\$289,000
TOTAL APPROPRIATION	\$566,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 121. FOR THE COMMISSION ON ASIAN-PACIFIC-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2006)	\$235,000
General Fund—State Appropriation (FY 2007)	\$238,000
TOTAL APPROPRIATION	\$473,000

NEW SECTION. Sec. 122. FOR THE STATE TREASURER

State Treasurer's Service Account—State Appropriation.	\$14,124,000
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NEW SECTION. Sec. 123. FOR THE STATE AUDITOR

General Fund—State Appropriation (FY 2006)	\$1,884,000
General Fund—State Appropriation (FY 2007)	\$2,441,000
State Auditing Services Revolving Account—State	
Appropriation	\$13,952,000
TOTAL APPROPRIATION	\$18,277,000

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.

(2) \$731,000 of the general fund—state appropriation for fiscal year 2006 and \$727,000 of the general fund—state appropriation for fiscal year 2007 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) The office shall report to the office of financial management and the appropriate fiscal committees of the legislature detailed information on risk-based auditing, its theory, and its application for the audits performed on Washington state government. The report shall include an explanation of how the office identifies, measures, and prioritizes risk, the manner in which the office uses these factors in the planning and execution of the audits of Washington state government, and the methods and procedures used in the conduct of the risk-based audits themselves. The report is due no later than December 1, 2005.

(4) \$1,130,000 of the general fund—state appropriation for fiscal year 2006, \$1,695,000 of the general fund—state appropriation for fiscal year 2007, and \$2,000 of the state auditing services revolving account—state appropriation for fiscal year 2006 are provided solely for the implementation of Engrossed Substitute House Bill No. 1064 (government performance). If Engrossed Substitute House Bill No. 1064 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(5) \$16,000 of the general fund—state appropriation for fiscal year 2006 is provided for a review of special education excess cost accounting and reporting requirements. The state auditor's office shall coordinate this work with the joint legislative audit and review committee's review of the special education excess cost accounting methodology and expenditure reporting requirements. The state auditor's review shall include an examination of whether school districts are (a) appropriately implementing the excess cost accounting methodology; (b) consistently charging special education expenses to the special education and basic education programs; (c) appropriately determining the percentage of expenditures that should be charged to the special education and basic education programs; and (d) appropriately and consistently reporting special education

expenditures. The results of this review will be included in the joint legislative audit and review committee's report issued in January 2006.

NEW SECTION. Sec. 124. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund—State Appropriation (FY 2006)	\$137,000
General Fund—State Appropriation (FY 2007)	\$206,000
TOTAL APPROPRIATION	\$343,000

NEW SECTION. Sec. 125. FOR THE ATTORNEY GENERAL

General Fund—State Appropriation (FY 2006)	\$5,223,000
General Fund—State Appropriation (FY 2007)	\$5,156,000
General Fund—Federal Appropriation	\$2,973,000
Public Safety and Education Account—State Appropriation	\$2,303,000
New Motor Vehicle Arbitration Account—State Appropriation	\$1,313,000
Legal Services Revolving Account—State Appropriation	\$185,970,000
Tobacco Prevention and Control Account—State Appropriation	\$270,000
TOTAL APPROPRIATION	\$203,208,000

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) 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.

NEW SECTION. Sec. 126. FOR THE CASELOAD FORECAST COUNCIL

General Fund—State Appropriation (FY 2006)	\$719,000
General Fund—State Appropriation (FY 2007)	\$714,000
TOTAL APPROPRIATION	\$1,433,000

NEW SECTION. Sec. 127. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund—State Appropriation (FY 2006)	\$66,123,000
General Fund—State Appropriation (FY 2007)	\$67,151,000
General Fund—Federal Appropriation	\$246,886,000
General Fund—Private/Local Appropriation	\$12,229,000
Public Safety and Education Account—State Appropriation	\$5,439,000
Public Works Assistance Account—State Appropriation	\$3,395,000
Tourism Development and Promotion Account Appropriation	\$300,000
Drinking Water Assistance Administrative Account—	

State Appropriation	\$213,000
Lead Paint Account—State Appropriation	\$6,000
Building Code Council Account—State Appropriation	\$1,130,000
Administrative Contingency Account—State Appropriation	\$1,808,000
Low-Income Weatherization Assistance Account—State Appropriation	\$8,362,000
Violence Reduction and Drug Enforcement Account—State Appropriation	\$7,231,000
Manufactured Home Installation Training Account—State Appropriation	\$240,000
Community and Economic Development Fee Account—State Appropriation	\$1,570,000
Washington Housing Trust Account—State Appropriation	\$19,009,000
Homeless Families Services Account—State Appropriation	\$300,000
Public Facility Construction Loan Revolving Account—State Appropriation	\$614,000
TOTAL APPROPRIATION	\$442,006,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund—state appropriation for fiscal year 2006 and \$2,838,000 of the general fund—state appropriation for fiscal year 2007 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.

(2) \$5,902,000 of the general fund—federal appropriation is provided solely for the justice assistance grant program, to be distributed in state fiscal year 2006 as follows:

(a) \$2,064,000 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$330,000 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$675,000 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$20,000 to the department for tribal law enforcement;

(e) \$345,000 to the department to continue domestic violence legal advocacy;

(f) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(g) \$351,000 to the department of social and health services, division of alcohol and substance abuse, for juvenile drug courts in eastern and western Washington;

(h) \$626,000 to the department of social and health services to continue youth violence prevention and intervention projects;

(i) \$97,000 to the department to continue evaluation of this grant program;

(j) \$290,000 to the office of financial management for criminal history records improvement;

(k) \$580,000 to the department for required grant administration, monitoring, and reporting on justice assistance grant programs; and

(l) \$464,000 to the department for distribution to small municipalities.

These amounts represent the maximum justice assistance grant expenditure authority for each program. No program may expend justice assistance 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 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 justice assistance grant funds.

(3) \$170,000 of the general fund—state appropriation for fiscal year 2006 and \$170,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to fund domestic violence legal advocacy, in recognition of reduced federal grant funding.

(4) \$28,848,000 of the general fund—state appropriation for fiscal year 2006 and \$29,941,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for providing early childhood education assistance. Of these amounts, \$1,497,000 in each fiscal year is provided solely to increase the number of children receiving education, and \$1,052,000 in fiscal year 2006 and \$2,146,000 in fiscal year 2007 are provided solely for a targeted vendor rate increase.

(5) 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.

(6) \$1,288,000 of the Washington housing trust account—state appropriation is provided solely to implement Engrossed House Bill No. 1074. If the bill is not enacted by June 30, 2005, the amounts in this subsection shall lapse.

(7) \$725,000 of the general fund—state appropriation for fiscal year 2006 and \$725,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for food banks to obtain and distribute additional nutritious food; and purchase equipment to transport and store perishable products.

(8) \$500,000 of the general fund—state appropriation for fiscal year 2006 and \$500,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the community services block grant program to help meet current service demands that exceed available community action resources.

(9) \$215,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for matching funds for a federal economic development administration grant awarded to the city of Kent to conduct a feasibility study and economic analysis for the establishment of a center for advanced manufacturing.

(10) \$20,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for the department to compile a report on housing stock in Washington state to identify areas of potentially high risk for child lead exposure. This report shall include an analysis of existing data regarding the ages of housing stock in specific regions and an analysis of data regarding actual lead poisoning cases, which shall be provided by the department of health's childhood lead poisoning surveillance program.

(11) \$150,000 of general fund—state appropriation for fiscal year 2006 is provided solely for the Cascade land conservancy to develop and implement a plan for regional conservation within King, Kittitas, Pierce, and Snohomish counties.

(12) \$50,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for the support, including safety and security costs, of the America's freedom salute to be held in the Vancouver, Washington area.

(13) \$250,000 of the general fund—state appropriation for fiscal year 2006 and \$250,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to Snohomish county for a law enforcement and treatment methamphetamine pilot program. \$250,000 of the general fund—state appropriation for fiscal year 2006 and \$250,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to the Pierce county alliance's methamphetamine family services treatment program and safe streets of Tacoma's methamphetamine prevention service.

(14) \$50,000 of the general fund—state appropriation is provided solely for one pilot project to promote the study and implementation of safe neighborhoods through community planning.

(15) \$287,000 of the general fund—state appropriation for fiscal year 2006 and \$288,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for Walla Walla community college to establish the water and environmental studies center to provide workforce education and training, encourage innovative approaches and practices that address environmental and cultural issues, and facilitate the Walla Walla watershed alliance role in promoting communication leading to cooperative conservation efforts that effectively address urban and rural water and environmental issues.

(16) \$50,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for work with the northwest food processors association on the food processing cluster development project.

(17) \$200,000 of the general fund—state appropriation for fiscal year 2006 and \$100,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the northwest agriculture incubator project, which will support small farms in economic development.

(18) \$75,000 of the general fund—state appropriation for fiscal year 2006 and \$75,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to the department of community, trade, and economic development as the final appropriation for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

(19) \$235,000 of the general fund—state appropriation for fiscal year 2006 and \$235,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of the small business incubator program. \$250,000 must be distributed as grants and must be matched by an equal amount of private funds.

(20) The department shall coordinate any efforts geared towards the 2010 Olympics with the regional effort being conducted by the Pacific northwest economic region, a statutory committee.

(21) \$75,000 of the general fund—state appropriation for fiscal year 2006 and \$75,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for HistoryLink to expand its free, noncommercial online encyclopedia service on state and local history.

(22) \$25,000 of the general fund—state appropriation for fiscal year 2006 and \$25,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for Women's Hearth, a nonprofit program serving the Spokane area's homeless and low-income women.

NEW SECTION. Sec. 128. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund—State Appropriation (FY 2006)	\$573,000
General Fund—State Appropriation (FY 2007)	\$517,000
TOTAL APPROPRIATION	\$1,090,000

NEW SECTION. Sec. 129. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2006)	\$16,993,000
General Fund—State Appropriation (FY 2007)	\$16,050,000
General Fund—Federal Appropriation.	\$23,550,000
Public Works Assistance Account—State Appropriation.	\$200,000
Violence Reduction and Drug Enforcement Account—State Appropriation.	\$246,000
State Auditing Services Revolving Account—State Appropriation.	\$25,000
TOTAL APPROPRIATION	\$57,064,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the public works assistance account appropriation is provided solely for an inventory and evaluation of the most effective way to organize the state public infrastructure programs and funds. The inventory and evaluation shall be delivered to the governor and the appropriate committees of the legislature by September 1, 2005.

(2)(a) \$182,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for an advisory council to study residential services for persons with developmental disabilities. The study shall identify a preferred

system of services and a plan to implement the system within four years. Recommendations shall be provided on the services that best address client needs in different regions of the state and on the preferred system by January 1, 2006. The office of financial management may contract for specialized services to complete the study.

(b) The advisory council shall consist of thirteen members. Members appointed by the governor, include one representative from each of the governor's office or the office of financial management, the department of social and health services, the Washington state disabilities council, two labor organizations, the community residential care providers, residents of residential habilitation centers, individuals served by community residential programs, and individuals with developmental disabilities who reside or resided in residential habilitation centers. The advisory council shall also include two members of the house of representatives appointed by the speaker of the house of representatives representing the majority and minority caucuses and two members of the senate appointed by the president of the senate representing the majority and minority caucuses. Legislative members of the advisory group shall be reimbursed in accordance with RCW 44.04.120, and nonlegislative members in accordance with RCW 43.03.050 and 44.04.120. Staff support shall be provided by the department of social and health services, the developmental disabilities council, the office of financial management, the house of representatives office of program research, and senate committee services.

(3) \$1,041,000 of the general fund—state appropriation for fiscal year 2006 and \$706,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5441 (studying early learning, K-12, and higher education). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$200,000 of the general fund—state appropriation for fiscal year 2006 is provided to the office of regulatory assistance and is subject to the following conditions and limitations:

(a) This amount is provided solely for the enhanced planning and permit pilot program; and

(b) Regulatory assistance is to select two local government planning and permitting offices to participate in an enhanced permit assistance pilot program. Such enhancement may include, but is not limited to:

(i) Creation of local and state interagency planning and permit review teams;

(ii) Use of advanced online planning and permit applications;

(iii) Using loaned executives; and

(iv) Additional technical assistance and guidance for permit applicants.

(5) \$303,000 of the general fund—state appropriation for fiscal year 2006 and \$255,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1970 (government management). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$200,000 of the general fund—state appropriation for fiscal year 2006 and \$200,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for implementation of Substitute Engrossed House Bill No. 1242

(budgeting outcomes and priorities). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) The department of ecology, the department of fish and wildlife, the department of natural resources, the conservation commission, and the interagency committee for outdoor recreation shall make recommendations to improve or eliminate monitoring activities related to salmon recovery and watershed health. The agencies shall coordinate with the governor's forum on monitoring and watershed health and consult with the office of financial management in determining the scope and contents of the report.

The agencies shall prepare a report detailing all new activity and updating all previously identified activity within the comprehensive monitoring strategy. The report shall identify the monitoring activity being performed and include: The purpose of the monitoring activity, when the activity started, who uses the information, how often it is accessed, what costs are incurred by fund, what frequency is used to collect data, what geographic location is used to collect data, where the information is stored, and what is the current status and cost by fund source of the data storage systems.

The agencies shall provide a status report summarizing progress to the governor's forum on monitoring and watershed health and the office of financial management by March 1, 2006. A final report to the governor's monitoring forum, the office of financial management, and the appropriate legislative fiscal committees shall be submitted no later than September 1, 2006.

NEW SECTION. Sec. 130. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account—State

Appropriation. \$29,490,000

The appropriation in this section is subject to the following conditions and limitations: \$103,000 of the administrative hearing revolving account—state appropriation is provided solely to determine, in collaboration with other state agencies, the best mechanism of digital recording for the office of administrative hearings, the manner of conversion from tape recording to digital recording, and the purchase of digital recording devices.

NEW SECTION. Sec. 131. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account—State

Appropriation. \$20,323,000

Higher Education Personnel Services Account—State

Appropriation. \$1,634,000

TOTAL APPROPRIATION \$21,957,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be

responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 132. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account—State Appropriation \$24,087,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet.

NEW SECTION. Sec. 133. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund—State Appropriation (FY 2006) \$238,000
General Fund—State Appropriation (FY 2007) \$247,000
TOTAL APPROPRIATION \$485,000

NEW SECTION. Sec. 134. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund—State Appropriation (FY 2006) \$237,000
General Fund—State Appropriation (FY 2007) \$240,000
TOTAL APPROPRIATION \$477,000

NEW SECTION. Sec. 135. FOR THE PERSONNEL APPEALS BOARD

Department of Personnel Service Account—State
Appropriation \$1,043,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Dependent Care Administrative Account—State
Appropriation \$416,000
Department of Retirement Systems Expense Account—
State Appropriation \$45,056,000
TOTAL APPROPRIATION \$45,472,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$13,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1327, chapter 65, Laws of 2005 (purchasing service credit).
- (2) \$10,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1269, chapter 21, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 2 service credit purchase).
- (3) \$55,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1270 (law enforcement officers' and fire fighters' retirement system plan 2 postretirement employment). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.
- (4) \$26,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1319, chapter 62,

Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 ex-spouse benefits).

(5) \$46,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1325, chapter 64, Laws of 2005 (military service credit purchase).

(6) \$79,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1329, chapter 67, Laws of 2005 (law enforcement officers' and fire fighters' retirement system plan 1 reduced survivor benefit).

(7) \$56,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1936 (emergency medical technician membership in law enforcement officers' and fire fighters' retirement system plan 2 service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$16,000 of the department of retirement systems expense account is provided solely to implement Senate Bill No. 5522 (purchasing service credit lost due to injury). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 137. FOR THE STATE INVESTMENT BOARD
State Investment Board Expense Account—State

Appropriation. \$16,020,000

NEW SECTION. Sec. 138. FOR THE DEPARTMENT OF REVENUE
General Fund—State Appropriation (FY 2006) \$90,065,000
General Fund—State Appropriation (FY 2007) \$91,207,000
Timber Tax Distribution Account—State Appropriation \$5,609,000
Waste Reduction/Recycling/Litter Control—State

Appropriation. \$108,000

State Toxics Control Account—State Appropriation \$73,000

Oil Spill Prevention Account—State Appropriation \$14,000

TOTAL APPROPRIATION \$187,076,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$113,000 of the general fund—state appropriation for fiscal year 2006, and \$93,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1315 (modifying disclosure requirements for the purposes of the real estate excise tax). If House Bill No. 1315 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$7,000 of the general fund—state appropriation for fiscal year 2006 and \$2,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute Senate Bill No. 5101 (renewable energy). If Substitute Senate Bill No. 5101 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for the implementation of Engrossed House Bill No. 1241 (modifying vehicle licensing and registration penalties). If Engrossed House Bill No. 1241 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(4) \$1,390,000 of the general fund—state appropriation for fiscal year 2006, and \$1,240,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the department to employ strategies to enhance current revenue enforcement activities.

NEW SECTION. Sec. 139. FOR THE BOARD OF TAX APPEALS

General Fund—State Appropriation (FY 2006)	\$1,362,000
General Fund—State Appropriation (FY 2007)	\$1,211,000
TOTAL APPROPRIATION	\$2,573,000

NEW SECTION. Sec. 140. FOR THE MUNICIPAL RESEARCH COUNCIL

County Research Services Account—State Appropriation	\$787,000
City and Town Research Services Account—State	
Appropriation	\$4,134,000
TOTAL APPROPRIATION	\$4,921,000

NEW SECTION. Sec. 141. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account—State Appropriation	\$3,186,000
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The appropriation in this section is subject to the following conditions and limitations: \$180,000 of the OMWBE enterprises account appropriation is provided solely for management of private sector grants and coordination of support services to small businesses in the state. It is the intent of the legislature that this amount be funded from new grant revenues and business fees.

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund—State Appropriation (FY 2006)	\$321,000
General Fund—State Appropriation (FY 2007)	\$233,000
General Fund—Federal Appropriation	\$3,640,000
General Administration Service Account—State	
Appropriation	\$32,045,000
TOTAL APPROPRIATION	\$36,239,000

The appropriations in this section are subject to the following conditions and limitations: \$75,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for the implementation of House Bill No. 1830 (alternative public works). If Engrossed Substitute House Bill No. 1830 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF INFORMATION SERVICES

Data Processing Revolving Account—State	
Appropriation	\$3,612,000
Public Safety and Education Account—State	
Appropriation	\$684,000
TOTAL APPROPRIATION	\$4,296,000

NEW SECTION. Sec. 144. FOR THE INSURANCE COMMISSIONER

General Fund—Federal Appropriation	\$673,000
Insurance Commissioners Regulatory Account—State	

Appropriation.....	\$40,253,000
TOTAL APPROPRIATION	\$40,926,000

NEW SECTION. Sec. 145. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account—State

Appropriation.....	\$1,962,000
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NEW SECTION. Sec. 146. FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account—State Appropriation \$282,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account—State

Appropriation.....	\$5,009,000
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NEW SECTION. Sec. 148. FOR THE LIQUOR CONTROL BOARD

General Fund—State Appropriation (FY 2006) \$1,739,000

General Fund—State Appropriation (FY 2007) \$1,706,000

Liquor Control Board Construction and Maintenance

Account—State Appropriation	\$12,832,000
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Liquor Revolving Account—State Appropriation \$154,080,000

TOTAL APPROPRIATION	\$170,357,000
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The appropriations in this section are subject to the following conditions and limitations:

(1) As authorized under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than July 1, 2005. The intent of this surcharge is to generate additional revenues for the state general fund in the 2005-07 biennium.

(2) \$154,000 of the liquor revolving account—state appropriation is provided solely for the lease of state vehicles from the department of general administration's motor pool.

(3) \$2,228,000 of the liquor revolving account—state appropriation is provided solely for costs associated with the installation of a wide area network that connects all of the state liquor stores and the liquor control board headquarters.

(4) \$186,000 of the liquor revolving account—state appropriation is provided solely for an alcohol education staff coordinator and associated alcohol educational resources targeted toward middle school and high school students.

(5) \$2,261,000 of the liquor revolving account—state appropriation is provided solely for replacement of essential computer equipment, improvement of security measures, and improvement to the core information technology infrastructure.

(6) \$2,800,000 of the liquor control board construction and maintenance account—state appropriation is provided solely for the certificate of participation to fund the expansion of the liquor distribution center.

(7) \$3,233,000 of the liquor revolving account—state appropriation is provided solely for upgrades to material handling system and warehouse management system software and equipment, and associated staff to increase the liquor distribution center's shipping capacity.

(8) \$2,746,000 of the liquor revolving account—state appropriation is provided solely for additional state liquor store and retail business analysis staff. The additional liquor store staff will be deployed to those stores with the greatest potential for increased customer satisfaction and revenue growth. The liquor control board, using the new retail business analysis staff and, if needed, an independent consultant, will analyze the impact of additional staff on customer satisfaction and revenue growth and make recommendations that will increase the effectiveness and efficiency of all the liquor control board's retail-related activities. Using best practices and benchmarks from comparable retail organizations, the analysis will evaluate and make recommendations, at a minimum, on the following issues: Optimal staffing levels and store locations and numbers of stores (both state liquor stores and contract liquor stores); options for an improved retail organizational structure; strategies to increase the retail decision-making capacity; and resources required for enhanced internal organizational support of the retail activities. In support of this evaluation, a survey shall be employed to gauge customer satisfaction with state and contract liquor store services. A written evaluation with recommendations shall be submitted to the governor and the legislative fiscal committees by October 1, 2006.

(9) \$187,000 of the general fund—state appropriation for fiscal year 2006 and \$122,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of Senate Bill No. 6097 (tobacco products enforcement). If Senate Bill No. 6097 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) \$1,435,000 of the liquor revolving account—state appropriation is provided solely for the implementation of Substitute House Bill No. 1379 (liquor retail plan). If Substitute House Bill No. 1379 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 149. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account—State Appropriation	\$28,436,000
Pipeline Safety Account—State Appropriation	\$2,877,000
Pipeline Safety Account—Federal Appropriation	\$1,535,000
TOTAL APPROPRIATION	\$32,848,000

NEW SECTION. Sec. 150. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers'	
Administrative Account—State Appropriation	\$768,000

NEW SECTION. Sec. 151. FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2006)	\$10,084,000
General Fund—State Appropriation (FY 2007)	\$9,362,000

General Fund—Federal Appropriation	\$165,970,000
General Fund—Local Appropriation	\$2,000
Enhanced 911 Account—State Appropriation	\$34,766,000
Disaster Response Account—State Appropriation	\$2,277,000
Disaster Response Account—Federal Appropriation	\$11,008,000
Worker and Community Right-to-Know Account—State Appropriation	\$314,000
Nisqually Earthquake Account—State Appropriation	\$6,713,000
Nisqually Earthquake Account—Federal Appropriation	\$29,127,000
Military Department Rental and Lease Account—State Appropriation	\$378,000
TOTAL APPROPRIATION	\$270,001,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,277,000 of the disaster response account—state appropriation and \$11,008,000 of the disaster response account—federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall 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 2005-07 biennium based on current revenue and expenditure patterns.

(2) \$6,713,000 of the Nisqually earthquake account—state appropriation and \$29,127,000 of the Nisqually earthquake account—federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery 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 (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake 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 2005-07 biennium based on current revenue and expenditure patterns.

(3) \$127,586,000 of the general fund—federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) \$867,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for the Cowlitz county 911 communications center for the purpose of purchasing or reimbursing the purchase of interoperable radio communication technology to improve disaster response in the Mount St. Helens area.

(5) No funds from sources other than fees from voice over internet protocol (VOIP) providers may be used to implement technologies specific to the integration of VOIP 911 with E-911. The military department, in conjunction with the department of revenue, shall propose methods for assuring the collection of an appropriate enhanced 911 excise tax from VOIP 911 providers and shall report their recommendations to the legislature by November 1, 2005.

NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund—State Appropriation (FY 2006)	\$2,776,000
General Fund—State Appropriation (FY 2007)	\$2,824,000
Department of Personnel Service Account—State	
Appropriation	\$2,945,000
TOTAL APPROPRIATION	\$8,545,000

NEW SECTION. Sec. 153. FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund—State Appropriation (FY 2006)	\$1,571,000
General Fund—State Appropriation (FY 2007)	\$1,587,000
TOTAL APPROPRIATION	\$3,158,000

The appropriations in this section are subject to the following conditions and limitations: \$9,000 of the general fund—state appropriation for fiscal year 2006 and \$9,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the Western Board to relocate. If the Western Board does not relocate by June 30, 2006, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 154. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account—State	
Appropriation	\$30,512,000
State Convention and Trade Center Operating	
Account—State Appropriation	\$46,470,000
TOTAL APPROPRIATION	\$76,982,000

NEW SECTION. Sec. 155. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund—State Appropriation (FY 2006)	\$550,000
General Fund—State Appropriation (FY 2007)	\$549,000
General Fund—Federal Appropriation	\$1,446,000
General Fund—Local Appropriation	\$14,000
TOTAL APPROPRIATION	\$2,559,000

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. 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.

(2) The department of social and health services shall not initiate any services that 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) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2005-2007 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to

participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(4) In accordance with RCW 74.39A.300, the appropriations to the department of social and health services in this act are sufficient to implement the compensation and fringe benefits of the collective bargaining agreement reached between the governor and the exclusive bargaining representative of individual providers of home care services.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund—State Appropriation (FY 2006)	\$251,005,000
General Fund—State Appropriation (FY 2007)	\$266,350,000
General Fund—Federal Appropriation	\$421,401,000
General Fund—Private/Local Appropriation	\$400,000
Public Safety and Education Account—State Appropriation	\$10,754,000
Violence Reduction and Drug Enforcement Account—State Appropriation	\$1,510,000
TOTAL APPROPRIATION	\$951,420,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the general fund—state appropriation for fiscal year 2006, \$2,271,000 of the general fund—state appropriation for fiscal year 2007, and \$1,584,000 of the general fund—federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund—state appropriation for fiscal year 2006 and \$701,000 of the general fund—state appropriation for fiscal year 2007 are provided solely 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) \$375,000 of the general fund—state appropriation for fiscal year 2006, \$375,000 of the general fund—state appropriation for fiscal year 2007, and \$322,000 of the general fund—federal appropriation are provided solely 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) \$125,000 of the general fund—state appropriation for fiscal year 2004 [2006] and \$125,000 of the general fund—state appropriation for fiscal year 2005 [2007] are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children. The department shall report annually by October 1st to the appropriate committees of the legislature on the specific efforts taken to contain costs.

(7) \$3,837,000 of the general fund—state appropriation for fiscal year 2006, \$6,352,000 of the general fund—state appropriation for fiscal year 2007, and \$4,370,000 of the general fund—federal appropriation are provided solely for reforms to the child protective services and child welfare services programs, including 30-day face-to-face contact for children in out-of-home care, improved timeliness of child protective services investigations, an enhanced in-home child welfare services program, and education specialist services. The department shall report by December 1st of each year on the implementation status of the enhancements, including the hiring of new staff, and the outcomes of the reform efforts. The information provided shall include a progress report on items in the child and family services review program improvement plan and areas identified for improvement in the Braam lawsuit settlement.

(8) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(9) \$177,000 of the general fund—state appropriation for fiscal year 2006 and \$178,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the state association of children's advocacy centers. Funds may be used for (a) children's advocacy centers that meet the national children's alliance accreditation standards for full membership, and are members in good standing; (b) communities in the process of establishing a center; and (c) the state association of children's advocacy centers. A 50 percent match will be required of each center receiving state funding.

(10) \$50,000 of the general fund—state appropriation for fiscal year 2006 and \$50,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for a street youth program in Spokane.

(11) \$4,672,000 of the general fund—state appropriation for fiscal year 2006 and \$4,672,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for secure crisis residential centers.

(12) \$572,000 of the general fund—state appropriation for fiscal year 2006, \$572,000 of the general fund—state appropriation for fiscal year 2007, and \$1,144,000 of the general fund—federal appropriation are provided solely for section 305 of Senate Bill No. 5763 (mental disorders treatment) for chemical dependency specialist services.

(13) \$3,500,000 of the general fund—state appropriation for fiscal year 2007 and \$1,500,000 of the general fund—federal appropriation are provided solely for Engrossed Senate Bill No. 5922 (child neglect). If the bill is not enacted by June 30, 2005, these amounts shall lapse.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2006)	\$78,552,000
General Fund—State Appropriation (FY 2007)	\$81,760,000
General Fund—Federal Appropriation	\$5,998,000
General Fund—Private/Local Appropriation	\$1,098,000
Violence Reduction and Drug Enforcement Account—State	
Appropriation	\$38,385,000
Juvenile Accountability Incentive Account—Federal	
Appropriation	\$5,621,000
TOTAL APPROPRIATION	\$211,414,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$706,000 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.

(2) \$6,156,000 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.

(3) \$1,020,000 of the general fund—state appropriation for fiscal year 2006, \$1,030,000 of the general fund—state appropriation for fiscal year 2007, and \$5,345,000 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.

(4) \$2,997,000 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.

(5) For the purposes of a pilot project, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate comparison group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2006, and a concluding report by June 30, 2007. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(6) \$319,000 of the general fund—state appropriation for fiscal year 2006 and \$678,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to establish a reinvesting in youth pilot program. Participation shall be limited to three counties or groups of counties, including one charter county with a population of over eight hundred thousand residents and at least one county or group of counties with a combined population of three hundred thousand residents or less.

(a) Only the following intervention service models shall be funded under the pilot program: (i) Functional family therapy; (ii) multi-systemic therapy; and (iii) aggression replacement training.

(b) Subject to (c) of this subsection, payments to counties in the pilot program shall be sixty-nine percent of the average service model cost per youth times the number of youth engaged by the selected service model. For the purposes of calculating the average service model cost per engaged youth for a county, the following costs will be included: Staff salaries, staff benefits, training, fees, quality assurance, and local expenditures on administration.

(c) Distribution of moneys to the charter county with a population of over eight hundred thousand residents shall be based upon the number of youth that are engaged by the intervention service models, up to six hundred thousand dollars for the biennium. The department may distribute the remaining grant moneys to the other counties selected to participate in the pilot program.

(d) The department shall provide recommendations to the legislature by June 30, 2006, regarding a cost savings calculation methodology, a funds distribution formula, and criteria for service model eligibility for use if the reinvesting in youth program is continued in future biennia.

(e) [7] \$248,000 of the general fund—state appropriation for fiscal year 2006 and \$496,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to House Bill No. 2073 (juvenile sentencing) and Senate Bill No. 5719 (community commitment). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection, and negotiate contracts that would avoid the cost of a youth kept in the community costing more than serving the youth in a juvenile rehabilitation institution and parole program on an average daily population basis. The juvenile rehabilitation administration may adjust the funding level provided in this subsection in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total appropriation to the juvenile rehabilitation administration in this section. The juvenile rehabilitation administration shall report to the appropriate policy and fiscal committees of the legislature on the use of the disposition alternatives and revocations by December 1, 2006. If either bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

***NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM**

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund—State Appropriation (FY 2006)	\$261,430,000
General Fund—State Appropriation (FY 2007)	\$269,285,000
General Fund—Federal Appropriation	\$336,771,000
General Fund—Private/Local Appropriation	\$1,970,000
TOTAL APPROPRIATION	\$869,456,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) In fiscal year 2006 the department shall continue and in fiscal year 2007 it shall complete the phased-in implementation of the revised medicaid allocation formula under which each regional support network is paid the same standard capitation rate per medicaid eligible person, adjusted by age and disability status.

(b) \$103,400,000 of the general fund—state appropriation for fiscal year 2006 and \$103,400,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for persons and services not covered by the medicaid program. The department shall distribute these amounts among the regional support networks according to a formula that, consistent with RCW 71.24.035(13), assures continuation of fiscal year 2003 levels of nonmedicaid

service in each regional support network area for the following service categories in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance. The remaining amounts shall be distributed based upon a formula that incorporates each regional support network's percentage of the state's population. In consultation with regional support networks and other interested groups, the department shall report to the joint legislative and executive task force by September 2006 on options for modifying the allocation formula to assure equitable statewide access to essential nonmedicaid services.

(c) 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 disability services administration for the general fund—state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(d) Within amounts 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 shall 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 required nonfederal share of the increased medicaid payment provided for operation of this project.

(e) \$3,100,000 of the general fund—state appropriation for fiscal year 2006 and \$3,375,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to establish a base community psychiatric hospitalization payment rate. The base payment rate shall be \$400 per indigent patient day at hospitals that accept commitments under the involuntary treatment act, and \$550 per medicaid patient day at free-standing psychiatric hospitals that accept commitments under the involuntary treatment act. The department shall allocate these funds among the regional support networks to reflect projected expenditures at the enhanced payment level by hospital and region.

(f) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(g) \$2,146,000 of the general fund—state appropriation for fiscal year 2006, \$4,408,000 of the general fund—state appropriation for fiscal year 2007, and \$4,559,000 of the general fund—federal appropriation are provided solely for a vendor rate increase to regional support networks for medicaid and nonmedicaid services, to the extent that: Amounts provided in this subsection (1) to serve medicaid clients through regional support networks are sufficient to ensure compliance with federally approved actuarially sound medicaid rate ranges in

every rate category. If such amounts are not sufficient to ensure compliance, funds provided in this subsection (1)(g) shall first be applied to address any noncompliant rate category; remaining amounts shall be allocated among the regional support networks by applying a uniform percentage of increase across regional support networks.

(h) \$5,000,000 of the general fund—state appropriation for fiscal year 2006 and \$5,000,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon mentally ill offenders' release from confinement. These amounts shall supplement, and not supplant, local or other funding or in-kind resources currently being used for these purposes. The department is authorized to transfer such amounts as are necessary, which are not to exceed \$418,000 of the general fund—state appropriation for fiscal year 2006 and \$418,000 of the general fund—state appropriation for fiscal year 2007, to the economic services program for the purposes of implementing section 12 of Engrossed Second Substitute House Bill No. 1290 (community mental health) related to reinstating and facilitating access to mental health services upon mentally ill offenders' release from confinement.

(i) \$1,500,000 of the general fund—state appropriation for fiscal year 2006 and \$1,500,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.

(j) The department is authorized to continue to expend federal block grant funds, and special purpose federal grants, through direct contracts, rather than through contracts with regional support networks; and to distribute such funds through a formula other than the one established pursuant to RCW 71.24.035(13).

(k) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(l) \$2,250,000 of the general fund—state appropriation for fiscal year 2006, \$2,250,000 of the general fund—state appropriation for fiscal year 2007, and \$4,500,000 of the general fund—federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration. The funds are not subject to the standard allocation formula applied in accordance with RCW 71.24.035(13)(a).

(m) \$750,000 of the general fund—state appropriation for fiscal year 2006 and \$750,000 of the general fund—state appropriation for fiscal year 2007 are provided to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who have been discharged from the state hospitals. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(n) \$539,000 of the general fund—state appropriation for fiscal year 2007 is provided solely to assist with the one-time start-up costs of two evaluation and treatment facilities. Funding for ongoing program operations shall be from existing funds that would otherwise be expended upon short-term treatment in state or community hospitals.

(o) \$550,000 of the general fund—state appropriation for fiscal year 2006 and \$150,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for a pilot project that provides integrated care through a facility specializing in long-term rehabilitation services for people with chronic mental illness who are chronically medically-compromised. This project is to be implemented in coordination with and under the auspices of a regional support network.

(p) Sufficient funds are appropriated in this section to implement the integrated chemical dependency/mental health screening and assessment provisions of section 601 of Senate Bill No. 5763.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2006)	\$104,749,000
General Fund—State Appropriation (FY 2007)	\$110,534,000
General Fund—Federal Appropriation	\$150,115,000
General Fund—Private/Local Appropriation	\$29,632,000
TOTAL APPROPRIATION	\$395,030,000

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) \$3,725,000 of the general fund—state appropriation for fiscal year 2006 and \$3,675,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to operate at least one more forensic ward at western state hospital than was operational in December 2004, and to employ professional staff in addition to those assigned in December 2004 to conduct outpatient evaluations of competency to stand trial.

(c) \$45,000 of the general fund—state appropriation for fiscal year 2006 and \$45,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for payment to the city of Lakewood on September 1 of each year for police services provided by the city at western state hospital and adjacent areas.

(3) CIVIL COMMITMENT

General Fund—State Appropriation (FY 2006)	\$43,322,000
General Fund—State Appropriation (FY 2007)	\$46,551,000

TOTAL APPROPRIATION \$89,873,000

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2006) \$643,000
 General Fund—State Appropriation (FY 2007) \$994,000
 General Fund—Federal Appropriation \$3,209,000
 TOTAL APPROPRIATION \$4,846,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$75,000 of the general fund—state appropriation for fiscal year 2006, \$75,000 of the general fund—state appropriation for fiscal year 2007, and \$40,000 of the general fund—federal appropriation are provided solely to implement the request for proposal process required by House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, these amounts shall lapse.

(b) \$178,000 of the general fund—state appropriation for fiscal year 2006 and \$221,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to develop and to train community mental health staff in the use of the integrated chemical dependency/mental health screening and assessment system and tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment). If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, these amounts shall lapse.

(5) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2006) \$3,620,000
 General Fund—State Appropriation (FY 2007) \$3,550,000
 General Fund—Federal Appropriation \$6,671,000
 TOTAL APPROPRIATION \$13,841,000

The appropriations in this subsection are subject to the following conditions and limitations: \$125,000 of the general fund—state appropriation for fiscal year 2006, \$125,000 of the general fund—state appropriation for fiscal year 2007, and \$164,000 of the general fund—federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), and, to the extent funds are available within these amounts, to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders).

*Sec. 204 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund—State Appropriation (FY 2006) \$299,027,000
 General Fund—State Appropriation (FY 2007) \$311,869,000
 General Fund—Federal Appropriation \$505,414,000
 Health Services Account—State Appropriation \$904,000
 TOTAL APPROPRIATION \$1,117,214,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$213,000 of the general fund—state appropriation for fiscal year 2006, \$400,000 of the general fund—state appropriation for fiscal year 2007, and \$600,000 of the general fund—federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The per worker per month state contribution per agency to the cost of health care benefits shall be no greater than \$380.06 in fiscal year 2006 and \$413.14 in fiscal year 2007.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$516,000 of the general fund—state appropriation for fiscal year 2006, \$1,563,000 of the general fund—state appropriation for fiscal year 2007, and \$2,078,000 of the general fund—federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically 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) \$579,000 of the general fund—state appropriation for fiscal year 2006, \$1,531,000 of the general fund—state appropriation for fiscal year 2007, and \$2,110,000 of the general fund—federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily

rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically 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.

(e) \$900,000 of the general fund—state appropriation for fiscal year 2006 and \$1,600,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of a flexible family support pilot program for families who are providing care and support for family members with developmental disabilities. The program shall provide funding for support services such as respite care, training and counseling, assistive technologies, transition services, and assistance with extraordinary household expenses.

(i) To receive funding, an individual must: (A) Be eligible for services from the division of developmental disabilities; (B) live with his or her family; (C) not live independently or with a spouse; (D) not receive paid services through the division, including medicaid personal care and medicaid waiver services; and (E) have gross household income of less than or equal to four hundred percent of the federal poverty level.

(ii) The department shall determine individual funding awards based on the following criteria: (A) Documented need for services, with priority given to individuals in crisis or at immediate risk of needing institutional services, individuals who transition from high school without employment or day program opportunities, individuals cared for by a single parent, and individuals with multiple disabilities; (B) number and ages of family members and their relation to the individual with developmental disabilities; (C) gross annual household income; and (D) availability of state funds.

Funding awards may be made as one-time awards or on a renewable basis. Renewable awards shall be for a period of twelve months for the biennium. Awards shall be based upon the criteria provided in this subsection, but shall be within the following limits: Maximum of \$4,000 per year for an individual whose gross annual household income is up to 100 percent of the federal poverty level; maximum of \$3,000 per year for an individual whose gross annual household income is up to 200 percent of the federal poverty level; maximum of \$2,000 per year for an individual whose gross annual household income is up to 300 percent of the federal poverty level; and maximum of \$1,000 per year for an individual whose gross annual household income is up to 400 percent of the federal poverty level. Of the amounts provided in this subsection, \$150,000 of the general fund—state appropriation for fiscal year 2006 and \$300,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for one-time awards.

(iii) Eligibility for, and the amount of, renewable awards and one-time awards shall be redetermined annually and shall correspond with the application of the department's mini-assessment tool. At the end of each award period, the

department must redetermine eligibility for funding, including increases or reductions in the level of funding, as appropriate.

(iv) By November 1, 2006, the department shall provide recommendations to the appropriate policy and fiscal committees of the legislature on strategies for integrating state-funded family support programs, including, if appropriate, the flexible family support pilot program, into a single program. The department shall also provide a status report on the flexible family support pilot program, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(v) The department shall manage enrollment and award levels so as to not exceed the amounts appropriated for this purpose.

(f) \$840,000 of the general fund—state appropriation for fiscal year 2006, \$1,979,000 of the general fund—state appropriation for fiscal year 2007, and \$1,219,000 of the general fund—federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients.

(g) \$1,000,000 of the general fund—state appropriation for fiscal year 2006, \$1,000,000 of the general fund—state appropriation for fiscal year 2007, and \$2,000,000 of the general fund—federal appropriation are provided for implementation of the administrative rate standardization. These amounts are in addition to any vendor rate increase adopted by the legislature.

(h) \$100,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for services to community clients provided by licensed professionals at the state residential habilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community with medical assistance or third-party health coverage, as appropriate, and shall implement a system for billing clients without coverage. The department shall provide a report by December 1, 2006, to the appropriate committees of the legislature on the number of clients served, services provided, and expenditures and revenues associated with those services.

(i) \$65,000 of the general fund—state appropriation for fiscal year 2006, \$65,000 of the general fund—state appropriation for fiscal year 2007, and \$130,000 of the general fund—federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2006)	\$76,062,000
General Fund—State Appropriation (FY 2007)	\$78,545,000
General Fund—Federal Appropriation	\$152,479,000
General Fund—Private/Local Appropriation	\$12,000,000
TOTAL APPROPRIATION	\$319,086,000

The appropriations in this subsection are subject to the following conditions and limitations: The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2006)	\$2,457,000
General Fund—State Appropriation (FY 2007)	\$2,068,000
General Fund—Federal Appropriation	\$3,034,000
TOTAL APPROPRIATION	\$7,559,000

The appropriations in this subsection are subject to the following conditions and limitations: \$578,000 of the general fund—state appropriation for fiscal year 2006 and \$578,000 of the general fund—federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund—State Appropriation (FY 2006)	\$11,000
General Fund—State Appropriation (FY 2007)	\$17,000
General Fund—Federal Appropriation	\$16,668,000
TOTAL APPROPRIATION	\$16,696,000

***NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—AGING AND ADULT SERVICES PROGRAM**

General Fund—State Appropriation (FY 2006)	\$604,891,000
General Fund—State Appropriation (FY 2007)	\$623,448,000
General Fund—Federal Appropriation	\$1,264,939,000
General Fund—Private/Local Appropriation	\$18,939,000
Health Services Account—State Appropriation	\$4,888,000
TOTAL APPROPRIATION	\$2,517,105,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$610,000 of the general fund—state appropriation for fiscal year 2006, \$610,000 of the general fund—state appropriation for fiscal year 2007, and \$5,552,000 of the general fund—federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least

twenty hours a week. The per worker per month state contribution per agency to the cost of health care benefits shall be no greater than \$380.06 in fiscal year 2006 and \$413.14 in fiscal year 2007.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$149.14 for fiscal year 2006 and shall not exceed \$153.50 for fiscal year 2007.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2006; up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2007; and up to \$16 million of increased asset value completed and ready for occupancy in fiscal year 2008.

(4) 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.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,413,000 of the general fund—state appropriation for fiscal year 2006, \$2,887,000 of the general fund—state appropriation for fiscal year 2007, and \$4,305,000 of the general fund—federal appropriation are provided solely to increase compensation for direct care workers employed by home care agencies by 27 cents per hour on July 1, 2005, and by an additional 23 cents per hour on July 1, 2006. 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 increase.

(7) \$1,786,000 of the general fund—state appropriation for fiscal year 2006 and \$1,804,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for operation of the volunteer chore services program.

(8) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(9) \$93,000 of the general fund—state appropriation for fiscal year 2006, \$8,000 of the general fund—state appropriation for fiscal year 2007, and \$101,000 of the general fund—federal appropriation are provided solely to expand the number of boarding homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 85 beds in fiscal year 2006 and up to 150 beds in fiscal year 2007.

(10) \$305,000 of the general fund—state appropriation for fiscal year 2006 and \$377,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the senior farmer's market nutrition program.

(11) Within amounts appropriated in this section, the department shall develop and implement a pilot program that authorizes assisted living facilities to offer dual-occupancy accommodations to publicly-funded residents who would otherwise be placed in a skilled nursing facility or adult family home. The pilot shall include contracted assisted living facilities that are ineligible to receive capital add-on payments and whose Medicaid occupancy rates exceeded 50 percent as of December 31, 2004.

(12) \$109,000 of the general fund—state appropriation for fiscal year 2006, \$90,000 of the general fund—state appropriation for fiscal year 2007, and \$198,000 of the general fund—federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1220 (long-term care financing). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$100,000 of the general fund—state appropriation for fiscal year 2006 and \$100,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide a kinship navigator for grandparents and other kinship caregivers of children in both western and eastern Washington.

(a) Kinship navigator services shall include but not be limited to assisting kinship caregivers with understanding and navigating the system of services for children in out-of-home care while reducing barriers faced by kinship caregivers when accessing services.

(b) In providing kinship navigator services, area agencies on aging shall give priority to helping kinship caregivers maintain their caregiving role by helping them access existing services and supports, thus keeping children from entering foster care.

(14) \$435,000 of the general fund—state appropriation for fiscal year 2006, \$435,000 of the general fund—state appropriation for fiscal year 2007, and \$870,000 of the general fund—federal appropriation are provided solely for supplemental compensation increases for direct care workers employed by home care agencies in recognition of higher labor market cost pressures experienced by agencies subject to collective bargaining obligations. In order for a specific home care agency to be eligible for such increases, home care agencies shall submit the following to the department:

(i) Proof of a legally binding, written commitment to increase the compensation of agency home care workers; and

(ii) Proof of the existence of a method of enforcement of the commitment, such as arbitration, that is available to the employees or their representative, and

proof that such a method is expeditious, uses a neutral decision maker, and is economical for the employees.

*Sec. 206 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ECONOMIC SERVICES PROGRAM

General Fund—State Appropriation (FY 2006)	\$483,166,000
General Fund—State Appropriation (FY 2007)	\$501,081,000
General Fund—Federal Appropriation	\$1,246,447,000
General Fund—Private/Local Appropriation	\$31,466,000
TOTAL APPROPRIATION	\$2,262,160,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$273,333,000 of the general fund—state appropriation for fiscal year 2006, \$273,333,000 of the general fund—state appropriation for fiscal year 2007, and \$1,020,292,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, 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. Outcome data regarding job retention and wage progression shall be 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. 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; and

(b) Submit a report by October 1, 2005, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2005-2007 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels.

(2) \$75,833,000 of the general fund—state appropriation for fiscal year 2006 and \$74,358,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for cash assistance and other services to recipients in the general assistance—unemployable program. Within these amounts:

(a) The department may expend funds for services that assist recipients to obtain employment and reduce their dependence on public assistance, provided that expenditures for these services and cash assistance do not exceed the funds provided. Mental health, substance abuse, and vocational rehabilitation services may be provided to recipients whose incapacity is not severe enough to qualify for services through a regional support network, the alcoholism and drug addiction treatment and support act, or the division of vocational rehabilitation to the extent that those services are necessary to eliminate or minimize barriers to employment;

(b) The department shall review the general assistance caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

(c) The department shall identify general assistance recipients who are or may be eligible to receive health care coverage or services through the federal veteran's administration and assist recipients in obtaining access to those benefits; and

(d) The department shall report by November of each year to the appropriate committees of the legislature on the progress and outcomes of these efforts.

(3) Within amounts appropriated in this section, the department shall increase the state supplemental payment by \$10 per month for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance and decrease other state supplemental payments.

(4) \$5,000,000 of the general fund—state appropriation for fiscal year 2006 and \$10,000,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for a subsidy rate increase for child care providers. Of this amount, \$500,000 per year shall be targeted for child care providers in urban areas of region 1 and \$500,000 per year shall be targeted for one or more tiered-reimbursement pilot projects.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund—State Appropriation (FY 2006)	\$57,235,000
General Fund—State Appropriation (FY 2007)	\$66,956,000
General Fund—Federal Appropriation	\$110,175,000
General Fund—Private/Local Appropriation	\$633,000
Criminal Justice Treatment Account—State Appropriation	\$16,500,000
Violence Reduction and Drug Enforcement Account—State Appropriation	\$48,842,000
Problem Gambling Treatment Account—State Appropriation	\$1,500,000
Public Safety and Education Account—State Appropriation	\$2,081,000
TOTAL APPROPRIATION	\$303,922,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the problem gambling treatment account appropriation is provided solely for the program established in Engrossed Substitute House Bill No. 1031 (problem gambling). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.

(2) \$1,339,000 of the general fund—state appropriation for fiscal year 2006 and \$1,338,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the parent child assistance program, including an expansion of services to southwestern Washington. The department shall contract with the University of Washington and community-based providers in Spokane, Yakima, and southwestern Washington for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount. The amounts provided in this subsection are sufficient to fund section 303 of Senate Bill No. 5763 (mental disorders treatment).

(3) \$2,000,000 of the general fund—state appropriation for fiscal year 2006 and \$3,000,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for vendor rate adjustments for residential treatment providers for chemical dependency services.

(4) \$465,000 of the general fund—state appropriation for fiscal year 2006, \$934,000 of the general fund—state appropriation for fiscal year 2007, \$1,319,000 of the general fund—federal appropriation, and \$700,000 of the violence reduction and drug enforcement account appropriation are provided solely for vendor rate adjustments for residential treatment providers. To the extent that a portion of this funding is sufficient to maintain sufficient residential treatment capacity, remaining amounts may then be used to provide vendor rate adjustments to other types of providers as prioritized by the department in order to maintain or increase treatment capacity.

(5) \$1,916,000 of the general fund—state appropriation for fiscal year 2006 and \$4,278,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for integrated pilot programs as required by section 203 of Senate Bill No. 5763 (mental disorders treatment). If section 203 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(6) \$244,000 of the general fund—state appropriation for fiscal year 2006 and \$244,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for intensive case management pilot programs as required by section 220 of Senate Bill No. 5763 (mental disorders treatment). If section 220 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$159,000 of the general fund—state appropriation for fiscal year 2006, \$140,000 of the general fund—state appropriation for fiscal year 2007, and \$161,000 of the general fund—federal appropriation are provided solely for development of the integrated chemical dependency/mental health screening and assessment tool required by section 601 of Senate Bill No. 5763 (mental disorders treatment), and associated training and quality assurance. If section 601 of Senate Bill No. 5763 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

***NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM**

General Fund—State Appropriation (FY 2006)	\$1,481,212,000
General Fund—State Appropriation (FY 2007)	\$1,596,101,000
General Fund—Federal Appropriation	\$4,036,615,000
General Fund—Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems	
Trust Account—State Appropriation	\$15,000,000
Health Services Account—State Appropriation	\$636,942,000
TOTAL APPROPRIATION	\$7,767,870,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not

limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(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) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(5) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is equivalent to the benefit provided in the 2003-05 biennium.

(6) In accordance with RCW 74.46.625, \$6,000,000 of the general fund—federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments.

(7) \$1,660,000 of the health services account appropriation, \$4,361,000 of the general fund—federal appropriation, \$1,350,000 of the general fund—state appropriation for fiscal year 2006, and \$1,351,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) \$22,081,000 of the health services account appropriation and \$20,714,000 of the general fund—federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(9) In response to the federal directive to eliminate intergovernmental transfer transactions effective June 30, 2005, the department is directed to implement the inpatient hospital certified public expenditures program for the 2005-07 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. Hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of each medicaid

inpatient fee-for-service claim payable by the medical assistance administration; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Medicaid fee-for-service claim amounts shall be established by applying the department's ratio of costs to charges payment methodology. The department shall provide participating hospitals with the information and instructions needed by the hospital to certify the public expenditures required to qualify for the federal portions of both the medicaid inpatient fee-for-service payments and the disproportionate share hospital payments. In the event that any part of the program including, but not limited to, allowable certified public expenditures, is disallowed by the federal government, the department shall not seek recoupment of payments from the hospitals, provided the hospitals have complied with the directions of the department for participation in the program. The legislature intends that hospitals in the program receive no less in combined state and federal payments than they would have received under the methodology that was in place during fiscal year 2005. The department shall therefore make additional grant payments, not to exceed the amounts provided in this subsection, to hospitals whose total payments under the program would otherwise be less than the total state and federal payments they would have received under the methodology in effect during fiscal year 2005. \$37,034,000 of the general fund—state appropriation for fiscal year 2006, \$37,552,000 of the general fund—state appropriation for fiscal year 2007, \$8,300,000 of the emergency medical services and trauma care systems trust account—state appropriation, and \$45,450,000 of the general fund—federal appropriation are provided solely for new state grant and upper payment limit programs for the participating hospitals.

(10) \$4,372,000 of the general fund—state appropriation for fiscal year 2006, \$4,014,000 of the general fund—state appropriation for fiscal year 2007, and \$65,112,000 of the general fund—federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system.

(11) \$150,000 of the general fund—state appropriation for fiscal year 2006, \$75,000 of the general fund—state appropriation for fiscal year 2007, and \$225,000 of the general fund—federal appropriation are provided solely for the department to contract for an independent analysis of the medical assistance administration's current system for establishing hospital inpatient payment rates, and for recommendations on a new or updated system. The department shall submit an interim report of study findings by December 1, 2005, and a final report by November 15, 2006. The interim report shall include a comparison of the strengths and weaknesses of the current rate-setting system relative to those used by other state, federal, and private payers. The final report shall include recommendations on the design and implementation of a new or updated system that will promote equity among hospitals, access to quality care and improved health outcomes for patients, and cost-control and efficiency for taxpayers. The study should make use of complete and current cost data from a wide variety of hospitals, recognize unique aspects of hospital service delivery structures and medicaid payment systems in Washington, recognize impacts on productivity and quality of care that may result from hospital compensation, recruitment, and

retention policies, and provide opportunities for comment and participation by key interest groups in the identification and assessment of alternatives.

(12) Payment rates for hospital inpatient and outpatient services shall be increased by an average of 1.3 percent effective July 1, 2005, and by an average of an additional 1.3 percent effective July 1, 2006. The inpatient increases shall be provided only on the portion of a hospital's rate that excludes medical education and outlier costs, and shall be allocated so that hospitals with lower costs of care (excluding medical education and outlier costs) receive larger percentage increases than those with higher costs of care. The inpatient increases shall be allocated in three percentage increments, with the lowest-cost hospitals receiving the largest percentage rate increase, highest-cost hospitals receiving the smallest percentage increase, and medium-cost hospitals receiving the average of the highest and the lowest percentage rate increase. Increases shall not be provided to those hospitals that are certified as critical access. Sufficient funds are appropriated in this section for Healthy Options contractors to increase hospital payment rates commensurate with the increases in fee-for-service payment rates.

(13) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(14) The medical assistance administration is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the administration determines it is cost-effective to do so.

(15) The legislature affirms 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.

(16) By October 1, 2005, the department shall recommend to the governor and legislature at least two pilot project designs which seem likely to reduce avoidable emergency room utilization at no net cost to the state within the projects' first eighteen months of operation.

(17) Within funds appropriated in this section, the department shall participate in the health technology assessment program required in section 213(6) of this act.

(18) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(19) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings. The department shall provide a report to the appropriate committees of the legislature by January 1, 2006, on costs, savings, and any outcomes or quality measures associated with the pilot programs during the first year of operation.

(20) By October 1, 2005, the department shall report to the appropriate committees of the legislature on the potential fiscal and programmatic costs and benefits associated with an expansion of managed care pilot programs to SSI and other eligible medicaid elderly and disabled persons.

(21) Within the funding provided in section 207(2) of this act, the medical assistance administration and the economic services administration may implement a time-limited transitional prescription drug benefit for general assistance unemployable recipients who obtain employment and who have no other source of health insurance coverage. The benefit shall be limited to coverage of prescription drugs and medication management. The benefit shall be limited to one year. The department shall implement a premium schedule for the benefits under this subsection that is related to the participant's income. The minimum premium shall be twenty dollars per month. Recipients of this transitional benefit shall not be considered part of the general assistance caseload unless eligibility is established under standard reapplication procedures.

(22) By November 15, 2006, the department of social and health services, in consultation with the department of revenue and the health care authority, shall report to the health care and fiscal committees of the legislature on options for providing financial incentives for private practice physicians to serve uninsured, medicare, and medicaid patients. The report shall include an assessment of the relative costs and effectiveness of strategies including, but not limited to, tax credits and payment rate increases. The report shall further suggest alternative mechanisms and thresholds for varying tax credits and payment enhancements according to the extent to which a provider serves uninsured, medicare, and medicaid patients.

*Sec. 209 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund—State Appropriation (FY 2006)	\$11,202,000
General Fund—State Appropriation (FY 2007)	\$11,350,000
General Fund—Federal Appropriation	\$86,908,000
General Fund—Private/Local Appropriation	\$440,000
Telecommunications Devices for the Hearing and Speech Impaired—State Appropriation	\$1,791,000
TOTAL APPROPRIATION	\$111,691,000

The appropriations in this section are subject to the following conditions and limitations: The division of vocational rehabilitation shall maintain support for existing clubhouse programs at the 2003-2005 level.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund—State Appropriation (FY 2006)	\$32,933,000
General Fund—State Appropriation (FY 2007)	\$29,910,000
General Fund—Federal Appropriation	\$51,489,000
General Fund—Private/Local Appropriation	\$810,000
Public Safety and Education Account—State Appropriation	\$2,452,000
Violence Reduction and Drug Enforcement Account—State Appropriation	\$1,791,000
Domestic Violence Prevention Account—State	

Appropriation	\$1,345,000
TOTAL APPROPRIATION	\$120,730,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$500,000 of the general fund—state appropriation for fiscal year 2006 and \$500,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(2) \$2,452,000 of the public safety and education account—state appropriation and \$1,791,000 of the violence reduction and drug enforcement account—state appropriation are provided solely for the family policy council.

(3) \$3,195,000 of the general fund—state appropriation for fiscal year 2006, \$639,000 of the general fund—state appropriation for fiscal year 2007, and \$3,834,000 of the general—fund federal appropriation are provided solely to implement the 2005-07 home care worker collective bargaining agreement.

(4) \$1,345,000 of the domestic violence prevention account is provided solely for the implementation of Engrossed Substitute House Bill No. 1314 (domestic violence prevention). If legislation creating the account is not enacted by June 30, 2005, this amount shall lapse.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund—State Appropriation (FY 2006)	\$46,381,000
General Fund—State Appropriation (FY 2007)	\$46,380,000
General Fund—Federal Appropriation	\$45,103,000
TOTAL APPROPRIATION	\$137,864,000

***NEW SECTION. Sec. 213. FOR THE STATE HEALTH CARE AUTHORITY**

General Fund—Federal Appropriation	\$3,140,000
State Health Care Authority Administrative Account—	
State Appropriation	\$29,394,000
Medical Aid Account—State Appropriation	\$171,000
Health Services Account—State Appropriation	\$456,207,000
TOTAL APPROPRIATION	\$488,912,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy 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 the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) 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 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) 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 (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (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; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) \$19,108,000 of the health services account—state appropriation is provided solely for funding for health care services provided through local community clinics.

(5) \$391,000 of the health services account appropriation is provided solely for implementation of Substitute Senate Bill No. 5471, chapter 129, Laws of 2005 (drug purchasing consortium).

(6) The health care authority shall conduct a health technology assessment pilot project to evaluate scientific evidence regarding current and evolving health care procedures, services and technology. The pilot shall be a joint effort of the departments of social and health services, labor and industries, corrections, and veteran's affairs and the health care authority. Upon completion of assessment of a procedure, service or technology, the agencies shall make every effort, consistent with federal and state law, to jointly decide: (a) On coverage of the procedure, service or technology by each agency, and (b) if covered, the guidelines or criteria that will be applied to medical necessity decisions.

(7) The departments of social and health services, labor and industries and the health care authority, in collaboration with affected health care providers, facilities, and contracted health plans, shall design and implement a joint health purchasing project that links payment to health care provider or facility performance, particularly where such performance is expected to improve patient outcomes or where there are wide variations in clinical practice used to treat a condition or illness. The purchasing effort shall utilize evidence-based performance measures that are designed to improve quality of care and yield measurable and significant savings. The project shall include payment mechanisms that create incentives to improve quality of care. On or before December 1, 2006, the agencies shall report to relevant policy and fiscal committees of the legislature on the status of the purchasing project, including actual and anticipated savings.

(8) \$395,000 of the health services account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental residency

program). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(9) \$250,000 of the health services account appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 1688 (certificate of need program). If Engrossed Second Substitute House Bill No. 1688 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$316,000 of the health services account—state appropriation and \$15,000 of the general fund—federal appropriation are provided solely for a study of electronic medical records systems pursuant to Substitute Senate Bill No. 5064 (electronic medical records). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(11) The health care authority shall study alternatives for the provision of a high deductible health plan and health savings accounts for enrollees in the basic health and public employees' benefits board plans that conform to section 223, Part VII of subchapter B of chapter 1 of the internal revenue code of 1986. The board shall submit a report to the legislature by December 1, 2005, on options for implementation of pilot programs for the basic health and public employees' benefits board plans and a full scale offering. The board's report shall include estimates of the fiscal impact of each option.

*Sec. 213 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 214. FOR THE HUMAN RIGHTS COMMISSION

General Fund—State Appropriation (FY 2006)	\$2,596,000
General Fund—State Appropriation (FY 2007)	\$2,634,000
General Fund—Federal Appropriation	\$1,741,000
TOTAL APPROPRIATION	\$6,971,000

The appropriations in this section are subject to the following conditions and limitations: The commission shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing any changes in existing federal revenues for the remainder of the current fiscal year and changes in projections of federal revenue for the upcoming fiscal year.

NEW SECTION. Sec. 215. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account—State Appropriation	\$20,000
Accident Account—State Appropriation	\$16,399,000
Medical Aid Account—State Appropriation	\$16,398,000
TOTAL APPROPRIATION	\$32,817,000

NEW SECTION. Sec. 216. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Public Safety and Education Account—State Appropriation	\$19,003,000
Death Investigations Account—State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account— Private/Local Appropriation	\$460,000
TOTAL APPROPRIATION	\$19,611,000

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2005-2007 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$100,000 of the public safety and education account—state appropriation is provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(3) Amounts provided within this section are sufficient to implement the provisions of section 2 of House Bill No. 1136 (electronic monitoring system).

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State Appropriation (FY 2006)	\$7,554,000
General Fund—State Appropriation (FY 2007)	\$7,648,000
Public Safety and Education Account—State Appropriation.	\$27,277,000
Public Safety and Education Account—Federal Appropriation.	\$10,000,000
Asbestos Account—State Appropriation	\$808,000
Electrical License Account—State Appropriation	\$34,743,000
Farm Labor Revolving Account—Private/Local Appropriation.	\$28,000
Worker and Community Right-to-Know Account—State Appropriation.	\$1,836,000
Public Works Administration Account—State Appropriation.	\$2,664,000
Accident Account—State Appropriation	\$206,490,000
Accident Account—Federal Appropriation	\$13,621,000
Medical Aid Account—State Appropriation	\$205,011,000
Medical Aid Account—Federal Appropriation	\$3,185,000
Plumbing Certificate Account—State Appropriation.	\$1,657,000
Pressure Systems Safety Account—State Appropriation.	\$3,324,000
TOTAL APPROPRIATION	\$525,846,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$700,000 of the accident account—state appropriation and \$699,000 of the medical aid account—state appropriation are provided solely for the construction of a computer system to collect data from self-insured employers and are contingent on the passage of Substitute House Bill No. 1310 (workers compensation reporting) on mandatory electronic data reporting by self-insured employers. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$27,227,000 of the public safety and education account—state appropriation, and \$10,000,000 of the public safety and education account—

federal appropriation are provided solely for the crime victims' compensation program, subject to the following conditions:

(a) Reimbursement shall be provided throughout the 2005-2007 biennium for full reimbursement of sexual assault forensic exams at workers' compensation rates; and

(b) In accordance with RCW 7.68.015, it is the policy of the state that the department of labor and industries operate the crime victims' compensation program within the amounts provided for this program in this subsection.

(3) \$200,000 of the accident account—state appropriation is provided solely to reimburse the department of agriculture for the agricultural worker pesticide handling and application training program.

(4) \$71,000 of the medical aid account—state appropriation and \$71,000 of the accident account—state appropriation are provided solely for the review of payment of medical bills and authorization for medical procedures by self-insurers.

(5) The department is required to participate in the health technology assessment program required in section 213(6) of this act.

(6) The department is also required to participate in the joint health purchasing project described in section 213(7) of this act.

(7) \$35,000 of the general fund—state appropriation for fiscal year 2006 and \$8,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1393 (older mobile homes). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$182,000 of the accident account—state appropriation and \$623,000 of the medical aid account—state appropriation are provided solely to expand the Spokane center of occupational health and education to include Yakima county. The Spokane center of occupational health will recruit and train approximately one hundred sixty physicians in Yakima county on best practices for occupational medicine and work with labor and business to improve quality and outcomes of medical care provided to injured workers.

(9) \$158,000 of the accident account—state appropriation and \$158,000 of the medical aid account—state appropriation are provided solely to implement Substitute House Bill No. 1856 (annual audits of the state industrial insurance fund). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(10) The department shall delay the costs associated with implementation of phase II of its indirect cost allocation plan for the public works administration account until July 1, 2007.

NEW SECTION. Sec. 218. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund—State Appropriation (FY 2006)	\$1,092,000
General Fund—State Appropriation (FY 2007)	\$1,096,000
TOTAL APPROPRIATION	\$2,188,000

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS	
General Fund—State Appropriation (FY 2006)	\$1,918,000

General Fund—State Appropriation (FY 2007)	\$1,880,000
Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation	\$10,000
TOTAL APPROPRIATION	\$3,808,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall participate in the health technology assessment program required in section 213(6) of this act.

(b) The department shall participate in the joint health purchasing project described in section 213(7) of this act.

(c) \$25,000 of the general fund—state appropriation for fiscal year 2006 is provided for the department to conduct a feasibility study of a veterans' cemetery in eastern Washington. The study shall include location, acquisition costs, projection of continued operations costs, and revenue sources for acquisition and operations. A final report of the findings shall be submitted no later than December 15, 2005.

(d) \$70,000 of the general fund—state appropriation for fiscal year 2006 and \$70,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5539 (veterans conservation corps). If Senate Bill No. 5539 is not enacted by June 30, 2005, these amounts shall lapse.

(2) FIELD SERVICES

General Fund—State Appropriation (FY 2006)	\$2,811,000
General Fund—State Appropriation (FY 2007)	\$2,809,000
General Fund—Federal Appropriation	\$343,000
General Fund—Private/Local Appropriation	\$2,016,000
TOTAL APPROPRIATION	\$7,979,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$25,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for the development of a public service announcement outreach campaign directed at returning veterans from Operation Iraqi Freedom and Operation Enduring Freedom.

(b) \$75,000 of the general fund—state appropriation for fiscal year 2006 and \$95,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the post traumatic stress counseling program expansion to address the needs of veterans returning from Iraq and Afghanistan.

(3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2006)	\$8,259,000
General Fund—State Appropriation (FY 2007)	\$8,238,000
General Fund—Federal Appropriation	\$31,436,000
General Fund—Private/Local Appropriation	\$26,338,000
TOTAL APPROPRIATION	\$74,271,000

NEW SECTION. Sec. 220. FOR THE HOME CARE QUALITY AUTHORITY

General Fund—State Appropriation (FY 2006)	\$919,000
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General Fund—State Appropriation (FY 2007)	\$1,093,000
General Fund—Federal Appropriation	\$1,034,000
TOTAL APPROPRIATION	\$3,046,000

The appropriations in this section are subject to the following conditions and limitations: The legislature encourages the home care quality authority to move forward with implementation of a statewide referral registry system by use of any existing and future agency administrative moneys and by seeking other means of funding, including grants and additional funding resources.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2006)	\$64,090,000
General Fund—State Appropriation (FY 2007)	\$64,485,000
General Fund—Federal Appropriation	\$455,467,000
General Fund—Private/Local Appropriation	\$101,479,000
Hospital Commission Account—State Appropriation	\$2,615,000
Health Professions Account—State Appropriation	\$51,659,000
Aquatic Lands Enhancement Account—State Appropriation	\$600,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	\$12,578,000
Safe Drinking Water Account—State Appropriation	\$2,907,000
Drinking Water Assistance Account—Federal Appropriation	\$16,158,000
Waterworks Operator Certification—State Appropriation	\$1,098,000
Drinking Water Assistance Administrative Account— State Appropriation	\$326,000
Water Quality Account—State Appropriation	\$3,680,000
State Toxics Control Account—State Appropriation	\$2,843,000
Medical Test Site Licensure Account—State Appropriation	\$1,790,000
Youth Tobacco Prevention Account—State Appropriation	\$1,806,000
Public Health Supplemental Account—Private/Local Appropriation	\$3,306,000
Accident Account—State Appropriation	\$275,000
Medical Aid Account—State Appropriation	\$46,000
Health Services Account—State Appropriation	\$38,101,000
Tobacco Prevention and Control Account—State Appropriation	\$52,677,000
Patient Safety Account—State Appropriation	\$641,000
TOTAL APPROPRIATION	\$878,625,000

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 for the clandestine drug lab program, the drinking water program, radioactive materials license fees, X-ray facility registration fees, shellfish commercial paralytic shellfish poisoning fees, the water recreation program, the wastewater management program, newborn specialty clinic fees, acute care hospitals, psychiatric hospitals, child birth centers, correctional medical facilities, alcoholism hospitals, and the midwifery program, in excess of the

fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. However, the department may not raise existing fees charged for the midwifery program by more than twenty percent over the biennium.

(2) \$1,363,000 of the general fund—state fiscal year 2006 appropriation, \$1,363,000 of the general fund—state fiscal year 2007 appropriation, and \$676,000 of the general fund—local appropriation are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items, DOH-01, DOH-02, DOH-03, and DOH-04.

(3) 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.

(4) \$383,000 of the general fund—state appropriation for fiscal year 2006, \$317,000 of the general fund—state appropriation for fiscal year 2007, and \$600,000 of the aquatic lands enhancement account appropriation are provided solely to assist counties in marine areas complete on-site sewage system management plans and electronic data bases to inventory on-site sewage systems.

(5) \$60,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5470 (prescription importation). If Engrossed Substitute Senate Bill No. 5470 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(6) \$268,000 of the health professions account appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 2266 (precursor drugs). If Engrossed Substitute House Bill No. 2266 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(7) \$42,000 of the health professions account appropriation is provided solely for implementation of Second Substitute House Bill No. 1168 (prescription reimportation). If Second Substitute House Bill No. 1168 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(8) \$82,000 of the general fund—state appropriation for fiscal year 2006, \$52,000 of the general fund—state appropriation for fiscal year 2007, and \$641,000 of the patient safety account appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 1291 (patient safety practices). If Engrossed Second Substitute House Bill No. 1291 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(9) \$100,000 of the general fund—state appropriation for fiscal year 2006 and \$200,000 of the general fund—state appropriation for fiscal year 2007 are

provided solely for the department to implement a multi-year pilot project covering Adams, Chelan, Douglas, Grant and Franklin counties for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot program include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot program will serve approximately 500 women. The department will provide a preliminary report to the appropriate committees of the legislature by January 1, 2006, and a final report by January 1, 2007.

(10) \$462,000 of the general fund—private/local appropriation is provided solely to support specialty clinics that provide treatment services to children that are identified with one of the five heritable or metabolic disorders added to the newborn screening panel by the state board of health in 2003.

(11) \$125,000 of the general fund—state appropriation for fiscal year 2006 and \$125,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the farmers' market nutrition program of the special supplemental nutrition program for women, infants and children. It is anticipated that these funds will enable the department to expand 2004 participation levels by 8,000 persons annually.

(12) \$100,000 of the general fund—state appropriation for fiscal year 2006 and \$100,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the infertility prevention project to implement effective prevention strategies designed to reduce the prevalence of chlamydia and gonorrhea and their potentially debilitating complications.

(13) With funds appropriated in this section, the medical advisory committee to the early detection breast and cervical cancer screening program shall study and recommend strategies for adopting emerging technologies and best practices from the national, state, and local levels in the field of early prevention and detection for breast and cervical cancer, and assist the early detection breast and cervical cancer screening program in implementing policy that follows the best practices of high quality health care for clinical, diagnostic, preventative, pathologic, radiological, and oncology services. The committee will report its recommendations to the legislature by December 15, 2006.

(14) \$25,000 of the general fund—state appropriation for fiscal year 2006 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that are focused on evidence-based best practices for improving health outcomes in children and saving health-care costs.

(15) \$48,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1075 (nursing quality commission). If Substitute House Bill No. 1075 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(16) \$74,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1137 (physical therapy). If Substitute House Bill No. 1137 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(17) \$109,000 of the health professions account appropriation is provided solely for implementation of House Bill No. 1546 (naturopathic physicians). If House Bill No. 1546 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(18) \$80,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1689 (dental health services). If Substitute House Bill No. 1689 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(19) \$42,000 of the general fund—state appropriation for fiscal year 2006 and \$24,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1605 (soil contamination). If Engrossed Second Substitute House Bill No. 1605 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(20) \$40,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for implementation of Substitute House Bill No. 1951 (vision exams for children). If Substitute House Bill No. 1951 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(21) \$43,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for implementation of Engrossed Senate Bill No. 5049 (mold in residential units). If Engrossed Senate Bill No. 5049 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(22) \$26,000 of the general fund—state appropriation for fiscal year 2006 and \$12,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for implementation of Senate Bill No. 5311 (autism task force). If Senate Bill No. 5311 is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(23) \$168,000 of the health services account appropriation is provided solely for a two-year pilot project under which parents have the option to choose vaccines which do not contain mercury.

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund—State Appropriation (FY 2006)	\$52,282,000
General Fund—State Appropriation (FY 2007)	\$41,838,000
General Fund—Federal Appropriation	\$1,022,000
Violence Reduction and Drug Enforcement Account—	
State Appropriation	\$26,000
Public Safety and Education Account—State	
Appropriation	\$2,768,000
Industrial Insurance Account—State Appropriation	\$1,000
TOTAL APPROPRIATION	\$97,937,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$11,250,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$26,000 of the general fund—state appropriation for fiscal year 2006 and \$44,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2006)	\$516,992,000
General Fund—State Appropriation (FY 2007)	\$545,816,000
General Fund—Federal Appropriation	\$4,424,000
Violence Reduction and Drug Enforcement Account—	
State Appropriation	\$2,984,000
TOTAL APPROPRIATION	\$1,070,216,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) 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 work release beds in facilities throughout the state for \$8,561,000.

(b) 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.

(c) 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.

(d) The department 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.

(e) During the 2005-07 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.

(f) The department shall participation in the health technology assessment program required in section 213(6) of this act. The department shall also participate in the joint health purchasing project described in section 213(7) of this act.

(g) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a

rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2006)	\$82,210,000
General Fund—State Appropriation (FY 2007)	\$81,646,000
Public Safety and Education Account—State Appropriation	\$16,736,000
TOTAL APPROPRIATION	\$180,592,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department 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) \$268,000 of the general fund—state appropriation for fiscal year 2006 and \$484,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of Substitute House Bill No. 1402 (offender travel or transfer). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(c) \$122,000 of the general fund—state appropriation for fiscal year 2006 and \$82,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of House Bill No. 1136 (electronic monitoring system). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2006)	\$838,000
General Fund—State Appropriation (FY 2007)	\$882,000
TOTAL APPROPRIATION	\$1,720,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund—state appropriation for fiscal year 2006 and \$110,000 of the general fund—state appropriation for fiscal year 2007 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 2006)	\$33,839,000
General Fund—State Appropriation (FY 2007)	\$33,838,000
TOTAL APPROPRIATION	\$67,677,000

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund—State Appropriation (FY 2006)	\$1,887,000
General Fund—State Appropriation (FY 2007)	\$1,939,000
General Fund—Federal Appropriation	\$15,326,000

General Fund—Private/Local Appropriation	\$80,000
TOTAL APPROPRIATION	\$19,232,000

NEW SECTION. Sec. 224. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund—State Appropriation (FY 2006)	\$864,000
General Fund—State Appropriation (FY 2007)	\$861,000
TOTAL APPROPRIATION	\$1,725,000

NEW SECTION. Sec. 225. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund—State Appropriation (FY 2006)	\$60,000
General Fund—State Appropriation (FY 2007)	\$60,000
General Fund—Federal Appropriation	\$259,865,000
General Fund—Private/Local Appropriation	\$31,857,000
Unemployment Compensation Administration Account—	
Federal Appropriation	\$199,217,000
Administrative Contingency Account—State	
Appropriation	\$14,946,000
Employment Service Administrative Account—State	
Appropriation	\$24,411,000
TOTAL APPROPRIATION	\$530,416,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$2,087,000 of the unemployment compensation administration account—federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is provided to replace obsolete information technology infrastructure.

(2) \$12,735,000 of the unemployment compensation administration account—federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized for state choice administrative functions. The department shall submit recommendations by September 1, 2007, to the office of financial management and the legislative fiscal committees for options reducing the costs of the state choice administrative functions for the 2007-2009 biennium. If these options require any statutory changes, the department shall submit agency request legislation to the appropriate legislative policy committees and fiscal committees by December 15, 2007.

(3) \$2,300,000 of the unemployment compensation administration account—federal appropriation is provided from amounts made available to the state by section 903(d) of the Social Security Act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to Engrossed House Bill No. 2255 (unemployment insurance).

(4) \$4,578,000 of the unemployment compensation administration account—federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

**PART III
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund—State Appropriation (FY 2006)	\$471,000
General Fund—State Appropriation (FY 2007)	\$478,000
General Fund—Private/Local Appropriation	\$859,000
TOTAL APPROPRIATION	\$1,808,000

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2006)	\$40,648,000
General Fund—State Appropriation (FY 2007)	\$40,344,000
General Fund—Federal Appropriation	\$73,911,000
General Fund—Private/Local Appropriation	\$13,287,000
Special Grass Seed Burning Research	
Account—State Appropriation	\$14,000
Reclamation Account—State Appropriation	\$2,646,000
Flood Control Assistance Account—State	
Appropriation	\$3,084,000
State Emergency Water Projects Revolving	
Account—State Appropriation	\$1,456,000
Waste Reduction/Recycling/Litter Control—State	
Appropriation	\$15,067,000
State Drought Preparedness Account—State	
Appropriation	\$221,000
State and Local Improvements Revolving	
Account (Water Supply Facilities)—State	
Appropriation	\$384,000
Vessel Response Account—State Appropriation	\$2,876,000
Site Closure Account—State Appropriation	\$655,000
Water Quality Account—State Appropriation	\$28,021,000
Wood Stove Education and Enforcement	
Account—State Appropriation	\$357,000
Worker and Community Right-to-Know	
Account—State Appropriation	\$2,142,000
State Toxics Control Account—State Appropriation	\$78,169,000
State Toxics Control Account—Private/Local	
Appropriation	\$379,000
Local Toxics Control Account—State Appropriation	\$5,258,000
Water Quality Permit Account—State Appropriation	\$31,909,000
Underground Storage Tank Account—State Appropriation	\$2,883,000
Environmental Excellence Account—State Appropriation	\$504,000
Biosolids Permit Account—State Appropriation	\$851,000
Hazardous Waste Assistance Account—State	
Appropriation	\$5,153,000
Air Pollution Control Account—State Appropriation	\$11,199,000
Oil Spill Prevention Account—State Appropriation	\$10,219,000
Air Operating Permit Account—State Appropriation	\$2,679,000
Freshwater Aquatic Weeds Account—State	

Appropriation.....	\$2,534,000
Oil Spill Response Account—State Appropriation	\$7,079,000
Metals Mining Account—State Appropriation.....	\$14,000
Water Pollution Control Revolving Account—State Appropriation.....	\$413,000
Water Pollution Control Revolving Account—Federal Appropriation.....	\$1,995,000
Freshwater Aquatic Algae Control Account—State Appropriation.....	\$509,000
TOTAL APPROPRIATION	\$386,860,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,526,196 of the general fund—state appropriation for fiscal year 2006, \$2,526,195 of the general fund—state appropriation for fiscal year 2007, \$366,000 of the general fund—federal appropriation, \$2,581,000 of the state toxics account—state appropriation, \$540,806 of the water quality account—state appropriation, \$3,748,220 of the water quality permit account—state appropriation, and \$705,000 of the oil spill prevention account are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DOE-01, DOE-02, DOE-04, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$4,054,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities.

(4) \$170,000 of the oil spill prevention account appropriation is provided solely for implementation of the Puget Sound conservation and recovery plan action item UW-02 through a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(5) \$2,500,000 of the general fund—state appropriation for fiscal year 2006 and \$2,000,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(6) \$156,000 of the general fund—state appropriation for fiscal year 2006 and \$144,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to expand the department's pilot program for processing 401 water quality certification projects to a statewide process and timeline to meet improved permit processing accountability and timelines, which will result in 90 percent of routine certifications occurring within 90 days of application, and acknowledgement of receipt of the application being sent within 10 days.

(7) Fees approved by the department of ecology in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$100,000 of the general fund—state appropriation for fiscal year 2006 and \$100,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to support water measurement and water storage components of the Columbia River Initiative Program.

(9) \$661,000 of the reclamation account—state appropriation is provided solely to implement Senate Bill No. 5831 (well construction fees). If the bill is enacted by June 30, 2005, \$150,000 from the general fund—state appropriation for fiscal year 2006 and \$150,000 from the general fund—state appropriation for fiscal year 2007 provided in this section shall lapse. If the bill is not enacted by June 30, 2005, the amount provided from the reclamation account in this subsection shall lapse.

(10) \$509,000 of the freshwater aquatic algae control account—state is provided solely for implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(11) \$250,000 of the state toxics control account—state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1605 (soil contamination). If the bill is not enacted by June 30, 2005, the amount in this subsection shall lapse.

(12) \$200,000 of the water quality account—state appropriation is provided solely for the department to contract with the state conservation commission to provide statewide coordination and support for coordinated resource management.

NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State Appropriation (FY 2006)	\$34,527,000
General Fund—State Appropriation (FY 2007)	\$34,669,000
General Fund—Federal Appropriation	\$2,738,000
General Fund—Private/Local Appropriation	\$71,000
Winter Recreation Program Account—State Appropriation	\$1,110,000
Off Road Vehicle Account—State Appropriation	\$225,000
Snowmobile Account—State Appropriation	\$4,805,000
Aquatic Lands Enhancement Account—State Appropriation	\$345,000
Parks Renewal and Stewardship Account—State Appropriation	\$38,480,000
Public Safety and Education Account—State Appropriation	\$47,000
Parks Renewal and Stewardship Account—Private/Local Appropriation	\$300,000
TOTAL APPROPRIATION	\$117,317,000

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 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund—state appropriation for fiscal year 2006 and \$79,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$191,000 of the aquatic lands enhancement account appropriation is provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item PRC-02.

(4) \$185,000 of the parks renewal and stewardship account—state appropriation is provided solely to develop a plan for public education and tourist orientation and interpretation at selected state park sites along the route of the ice age floods from Spokane to the Pacific ocean.

NEW SECTION. Sec. 304. FOR THE INTERAGENCY COMMITTEE FOR OUTDOOR RECREATION

General Fund—State Appropriation (FY 2006)	\$1,401,000
General Fund—State Appropriation (FY 2007)	\$1,414,000
General Fund—Federal Appropriation	\$18,455,000
General Fund—Private/Local Appropriation	\$250,000
Aquatic Lands Enhancement Account—State Appropriation	\$254,000
Water Quality Account—State Appropriation	\$200,000
Firearms Range Account—State Appropriation	\$24,000
Recreation Resources Account—State Appropriation	\$3,176,000
NOVA Program Account—State Appropriation	\$809,000
TOTAL APPROPRIATION	\$25,983,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$16,025,000 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) During the 2005-07 fiscal biennium, any county that purchased land before 1978 for off-road vehicle sports park recreation pursuant to 1972 ex.s. c 153 and 1975 1st ex.s. c 34 may discharge its contractual obligations for state-funded capital improvements on those lands if by no later than June 30, 2007:

(a) It sells on the open market, at the highest price achievable, all such lands and related facilities and equipment. After deducting reasonable expenses for the cost of sale, all remaining funds will be deposited within thirty days of closing to the nonhighway and off-road vehicle activities program account in the office of the state treasurer. Any funds derived from such sale shall be expended in accordance with RCW 46.09.170(2)(d)(ii)(A) in the same manner as funds the committee receives from RCW 46.09.110 and shall be used for off-road vehicle recreation facilities in areas west of the crest of the Cascade Mountains with preference for developing a new off-road vehicle sports park; or

(b) With the consent of the interagency committee, it gives all such lands and related facilities and equipment to a state or local agency. The state or local agency must agree to make the lands available for purposes related to motorized off-road vehicle recreation. The agency will not be responsible for contractual obligations for previous state-funded capital improvements on those lands. The interagency committee may award a one time noncompetitive grant to the agency for renovation and other capital improvements and for initial operating

costs. If a transfer of property under this subsection (b) is not approved prior to June 30, 2006, then the property shall be sold according to (a) of this subsection.

(4) \$125,000 of the general fund—state appropriation for fiscal year 2006 and \$125,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the biodiversity strategy.

(5) \$20,000 of the general fund—state appropriation for fiscal year 2006 and \$20,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for coordination of federal, state, tribal, local, and private aquatic monitoring efforts. The department shall provide a memorandum to the office of financial management and legislative fiscal committees in January of every year which specifies performance measures to reduce redundancy, increase efficiency, and help meet the goals and objectives of the various entities involved in monitoring and if these performance measures were met.

NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund—State Appropriation (FY 2006)	\$1,057,000
General Fund—State Appropriation (FY 2007)	\$1,064,000
TOTAL APPROPRIATION	\$2,121,000

NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION

General Fund—State Appropriation (FY 2006)	\$2,235,000
General Fund—State Appropriation (FY 2007)	\$2,253,000
Water Quality Account—State Appropriation	\$4,175,000
TOTAL APPROPRIATION	\$8,663,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$197,000 of the general fund—state appropriation for fiscal year 2006 and \$197,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action item CC-01.

(2) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2006 and \$100,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1462 (relating to funding for conservation districts). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

***NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE**

General Fund—State Appropriation (FY 2006)	\$45,751,000
General Fund—State Appropriation (FY 2007)	\$44,545,000
General Fund—Federal Appropriation	\$42,261,000
General Fund—Private/Local Appropriation	\$36,025,000
Off Road Vehicle Account—State Appropriation	\$392,000
Aquatic Lands Enhancement Account—State Appropriation.	\$5,813,000
Recreational Fisheries Enhancement—State Appropriation.	\$3,547,000

Warm Water Game Fish Account—State Appropriation	\$2,898,000
Eastern Washington Pheasant Enhancement Account—State Appropriation	\$750,000
Wildlife Account—State Appropriation	\$62,776,000
Wildlife Account—Federal Appropriation	\$30,966,000
Wildlife Account—Private/Local Appropriation	\$10,379,000
Game Special Wildlife Account—State Appropriation	\$2,147,000
Game Special Wildlife Account—Federal Appropriation	\$8,858,000
Game Special Wildlife Account—Private/Local Appropriation	\$468,000
Public Safety and Education Account—State Appropriation	\$588,000
Environmental Excellence Account—State Appropriation	\$15,000
Regional Fisheries Salmonid Recovery Account—Federal Appropriation	\$1,755,000
Oil Spill Prevention Account—State Appropriation	\$1,040,000
Recreation Resources Account—State Appropriation	\$36,000
Oyster Reserve Land Account—State Appropriation	\$411,000
Freshwater Aquatic Algae Control Account—State Appropriation	\$750,000
TOTAL APPROPRIATION	\$302,171,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.
- (2) \$1,556,714 of the general fund—state appropriation for fiscal year 2006 and \$1,556,713 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DFW-01 through DFW-06, DFW-08 through DFW-12, and DFW-16.
- (3) \$225,000 of the general fund—state appropriation for fiscal year 2006 and \$225,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.
- (4) The department shall 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.
- (5) 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.
- (6) \$180,000 of the wildlife account—state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

(7) The department shall provide quarterly status reports to the office of financial management regarding the replacement of the Washington interactive licensing system and the implementation of the hydraulic permit management system.

(8) The department shall prepare a report detailing the hydraulic permit approval program applications and project types. The department shall coordinate with the office of financial management in determining the contents of the report. At minimum, the report shall include permits by applicant (name, state, local, federal, tribal entity, etc.), project type (pamphlet, minor, medium, major, extension, revision, etc.) and project location (county and water resource inventory area). The department shall submit the report to the office of financial management and legislative fiscal committees no later than September 1, 2006.

(9) \$1,900,000 of the state wildlife account—state is provided solely to implement Senate Bill No. 5234 (expanding hunter access to private lands). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(10) \$72,000 of the state wildlife account—state appropriation is provided solely to implement House Bill No. 1211 (multiple season big game permit). If the bill is not enacted by June 30, 2005, the amount provided in this section shall lapse.

(11) \$75,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for a grant to the grizzly bear outreach project to disseminate accurate information about grizzly bears and the grizzly bear recovery process in the north Cascades mountains.

(12) \$750,000 of the freshwater aquatic algae control account—state appropriation is provided solely to implement Senate Bill No. 5699 (preventing and controlling aquatic invasive species and algae). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(13) \$703,000 of the general fund—state appropriation for fiscal year 2006 is provided solely to purchase six purse seine and three gill net licenses to meet the provisions of the United States/Canada salmon treaty.

(14) \$50,000 of the wildlife account—state appropriation is provided solely for reimbursements for damage to commercial livestock caused by cougars.

(15) \$10,000 of the general fund—state appropriation for fiscal year 2006 and \$10,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for chum salmon production at Minter creek hatchery.

(16) \$45,000 of the general fund—federal appropriation for fiscal year 2006 and \$45,000 of the general fund—federal appropriation for fiscal year 2007 are provided solely for the management of Canada goose seasons to increase the number of hunting days in southwest Washington.

(17) \$46,000 of the wildlife account—state appropriation is provided solely to increase the number of courses providing the hunter education training program created in RCW 77.32.155. The department shall reduce the current backlog of applicants waiting to take the training program and provide for a stable supply of training program courses in order to avoid future backlogs.

(18) \$481,000 of the wildlife account—state appropriation is provided solely to continued operation of the Naselle Hatchery during the 2005-07

biennium. This will increase production by 3 million Chinook, 1 million Coho, and 30,000 trout.

(19) \$120,000 of the wildlife account—state appropriation is provided solely to implement Senate Bill No. 5232 (turkey tags). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(20) \$223,000 of the wildlife account—state appropriation is provided solely to implement Senate Bill No. 5227 (wildlife harvest reports). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(21) \$4,000 of the wildlife account—state appropriation is provided solely to implement House Bill No. 1210 (temporary fishing license). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

*Sec. 307 was partially vetoed. See message at end of chapter.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State Appropriation (FY 2006)	\$49,220,000
General Fund—State Appropriation (FY 2007)	\$43,757,000
General Fund—Federal Appropriation	\$15,202,000
General Fund—Private/Local Appropriation	\$1,275,000
Forest Development Account—State Appropriation	\$54,441,000
Off-Road Vehicle Account—State Appropriation	\$3,986,000
Surveys and Maps Account—State Appropriation	\$2,436,000
Aquatic Lands Enhancement Account—State Appropriation	\$8,344,000
Resources Management Cost Account—State Appropriation	\$85,941,000
Surface Mining Reclamation Account—State Appropriation	\$1,841,000
Disaster Response Account—State Appropriation	\$5,000,000
Water Quality Account—State Appropriation	\$2,630,000
Aquatic Land Dredged Material Disposal Site Account—State Appropriation	\$652,000
Natural Resources Conservation Areas Stewardship Account—State Appropriation	\$34,000
State Toxics Control Account—State Appropriation	\$2,155,000
Air Pollution Control Account—State Appropriation	\$555,000
Derelict Vessel Removal Account—State Appropriation	\$1,137,000
Agricultural College Trust Management Account—State Appropriation	\$1,962,000
TOTAL APPROPRIATION	\$280,568,000

The appropriations in this section are subject to the following conditions and limitations:

(1) As described in section 129(7) of this act, the department shall make recommendations and report on monitoring activities related to salmon recovery.

(2) \$18,000 of the general fund—state appropriation for fiscal year 2006, \$18,000 of the general fund—state appropriation for fiscal year 2007, and \$1,652,050 of the aquatic lands enhancement account appropriation are provided

solely for the implementation of the Puget Sound conservation and recovery plan and agency action items DNR-01 and DNR-02.

(3) \$138,000 of the resource management cost account—state appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1896 (geoduck harvest). If the bill is not enacted by June 30, 2005, the amount in the subsection shall lapse.

(4) \$953,000 of the general fund—state appropriation for fiscal year 2006 and \$950,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for deposit into 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.

(5) \$10,635,000 of the general fund—state appropriation for fiscal year 2006, \$13,635,000 of the general fund—state appropriation for fiscal year 2007, and \$5,000,000 of the disaster response account—state appropriation are provided solely for emergency fire suppression. Of these amounts, up to \$250,000 may be expended for staff and other necessary resources to design and implement a fire data-collection system that includes financial- and performance-management information for fires over 10 acres in size.

None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(6) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(7) Fees approved by the board of natural resources in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(8) \$9,000,000 of the general fund—state appropriation for fiscal year 2006 and \$2,000,000 of the aquatic lands enhancement account—state appropriation are provided solely for the purposes of settling those claims identified in the consent decree and settlement agreement in *U.S., et al. v. State of Washington, et al.* Subproceeding No. 89-3 (Shellfish), United States District Court for the Western District of Washington at Seattle, Case No. C70-9213. The expenditure of this appropriation is contingent on the release of those claims in this subproceeding. In the event that the federal government does not appropriate \$22,000,000 for this purpose by June 30, 2006, the amounts provided in this subsection shall lapse.

(9) \$2,155,000 of the state toxics account—state appropriation is provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay and other sites.

(10) The department shall not develop the Gull Harbor facility without first submitting a master plan to the appropriate committees of the legislature. The plan shall ensure continued public access to the waterfront. The plan shall also examine alternative locations to the Gull Harbor site that would colocate marine equipment for all state agencies needing water access in Thurston county. The report shall be submitted by December 1, 2006.

(11) \$250,000 of the general fund—state appropriation for fiscal year 2006, \$250,000 of the general fund—state appropriation for fiscal year 2007, and \$500,000 of the resource management cost account—state appropriation are

provided solely for a report on the future of Washington forests. The purpose of the report is to examine economic, recreational, and environmental trends influencing the forest products industry and secondary manufacturing sectors in Washington state. The department shall contract with the University of Washington college of forestry resources. The college shall consult with the University of Washington economics department for the section on investment returns from granted lands. The report shall contain the following parts:

(a) An update of the 1992 timber supply study for Washington state that was conducted by the University of Washington. The update may be accomplished by reviewing the most recent similar data available in existing reports, examining a sample of the original 1992 study sample of lands, and through other existing data sources that may reveal relevant trends and changes since 1992.

(b) An independent assessment of the economic contribution of the forest products industry, and secondary manufacturing sectors, to the state. This assessment will also examine some of the macroeconomic trends likely to affect the industry in the future.

(c) A comparison of the competitive position of Washington's forest products industry globally, and with other leading forest products states, or regions, of the United States. This evaluation should compare the relative tax burden for growing and harvesting timber between the states or regions and the relative cost of adhering to regulations, and identify the competitive advantages of each state or region.

(d) An assessment of the trends and dynamics that commercial and residential development play in the conversion of the state's forests to nonforestry uses. The assessment will involve gathering relevant data, reviewing that data, and analyzing the relationship between development and the conversion of forest land uses.

(e) Recommendations on: (i) Policy changes that would enhance the competitive position of Washington's forest products industry in Washington state; (ii) policy changes that would, to the extent possible, ensure that a productive forest land base continues to be managed for forest products, recreation, and environmental and other public benefits into the future; and (iii) policy changes that would enhance the recreational opportunities on working forest lands in the state.

(f) Based on the information derived from (a) through (d) of this subsection, an assessment of the expected rate of return from state granted lands. This section of the reports shall also review reports prepared by the department over the past ten years that describe the investment returns from granted lands. The review of these previous reports shall compare and critique the methodology and indicators used to report investment returns. The review shall recommend appropriate measures of investment returns from granted lands.

(g) Analyze and recommend policies and programs to assist Cascade foothills area landowners and communities in developing and implementing innovative approaches to retaining traditional forestry while at the same time accommodating new uses that strengthen the economic and natural benefits from forest lands. For the purposes of this section, the Cascade foothills area generally encompasses the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above

mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(12) \$4,000 of the general fund—state appropriation for fiscal year 2005 and \$4,000 of the general fund—state appropriation for fiscal year 2006 are provided solely to compensate the forest board trust for a portion of the lease to the Crescent television improvement district consistent with RCW 79.13.520.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State Appropriation (FY 2006)	\$11,000,000
General Fund—State Appropriation (FY 2007)	\$10,443,000
General Fund—Federal Appropriation	\$10,608,000
General Fund—Private/Local Appropriation	\$413,000
Aquatic Lands Enhancement Account—State Appropriation	\$1,986,000
Water Quality Account—State Appropriation	\$968,000
State Toxics Control Account—State Appropriation	\$3,416,000
Water Quality Permit Account—State Appropriation	\$238,000
TOTAL APPROPRIATION	\$39,072,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund—state appropriation for fiscal year 2006 and \$37,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for implementation of the Puget Sound conservation and recovery plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2005-07 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(4) \$36,000 of the general fund—state appropriation for fiscal year 2006 and \$37,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for an economic impact study of fairs in the state of Washington.

(5) \$12,000 of the general fund—state appropriation for fiscal year 2006 and \$13,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for indemnity payments for poultry that are ordered by the department to be slaughtered or destroyed.

(6) \$250,000 of the general fund—state appropriation for fiscal year 2006 and \$250,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for market promotion and trade barrier grants.

(7) \$75,000 of the general fund—state appropriation for fiscal year 2006 and \$75,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the small farm and direct marketing program.

(8) \$466,000 of the general fund—state appropriation for fiscal year 2006 is provided solely to complete a database application that would consolidate program information and enable the department to more effectively respond to a food safety or animal disease emergency.

(9) \$150,000 of the general fund—state appropriation for fiscal year 2006 and \$150,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to implement the Washington wine brand campaign.

(10) The department shall consult with affected agricultural industries before fees for fruit and vegetable inspections may be raised. The consultation shall include a review of current inspection services, the cost of providing those services, and the discontinuation of unnecessary services.

NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust

Account—State Appropriation \$861,000

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund—State Appropriation (FY 2006)	\$1,886,000
General Fund—State Appropriation (FY 2007)	\$1,787,000
Architects' License Account—State Appropriation	\$728,000
Cemetery Account—State Appropriation	\$224,000
Professional Engineers' Account—State Appropriation	\$3,179,000
Real Estate Commission Account—State Appropriation	\$7,583,000
Master License Account—State Appropriation	\$11,593,000
Uniform Commercial Code Account—State Appropriation	\$2,936,000
Real Estate Education Account—State Appropriation	\$275,000
Real Estate Appraiser Commission	
Account—State Appropriation	\$1,345,000
Business and Professions Account—State Appropriation	\$7,927,000
Real Estate Research Account—State Appropriation	\$301,000
Wildlife Account—State Appropriation	\$13,000
Funeral Directors and Embalmers	
Account—State Appropriation	\$534,000
Geologists' Account—State Appropriation	\$34,000
Data Processing Revolving Account—State Appropriation	\$29,000
Derelict Vessel Removal Account—State Appropriation	\$31,000
TOTAL APPROPRIATION	\$40,405,000

(1) 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 2005-07 fiscal biennium. Pursuant to RCW 43.135.055, during the 2005-07 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.

(2) \$7,685,000 of the business and professions account—state appropriation is subject to enactment of Substitute House Bill No. 1394 (business and professions account). If the bill is not enacted by June 30, 2005, the appropriations out of this account shall be made from the general fund.

(3) \$1,653,000 of the master license account—state appropriation is subject to enactment of House Bill No. 2131 (master licensing service). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(4) \$34,000 of the general fund—state appropriation for fiscal year 2006 are subject to enactment of House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(5) \$180,000 of the real estate appraiser commission account—state appropriation is provided solely to implement Senate Bill No. 5274 (real estate appraisers). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund—State Appropriation (FY 2006)	\$36,089,000
General Fund—State Appropriation (FY 2007)	\$30,702,000
General Fund—Federal Appropriation	\$4,356,000
General Fund—Private/Local Appropriation	\$595,000
Death Investigations Account—State Appropriation	\$5,615,000
Public Safety and Education Account—State Appropriation	\$4,941,000
Enhanced 911 Account—State Appropriation	\$573,000
County Criminal Justice Assistance Account—State Appropriation	\$2,883,000
Municipal Criminal Justice Assistance Account—State Appropriation	\$1,154,000
Fire Service Trust Account—State Appropriation	\$131,000
Fire Service Training Account—State Appropriation	\$7,550,000
State Toxics Control Account—State Appropriation	\$468,000
Violence Reduction and Drug Enforcement Account—State Appropriation	\$313,000
Fingerprint Identification Account—State Appropriation	\$6,257,000
Disaster Response Account—State Appropriation	\$2,000
DNA Data Base Account—State Appropriation	\$150,000
Aquatic Invasive Species Prevention Account—State Appropriation	\$222,000
TOTAL APPROPRIATION	\$102,001,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$200,000 of the fire service training account—state appropriation is provided solely for two FTEs in the office of state fire marshal to exclusively review K-12 construction documents 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 capabilities.

(2) \$222,000 of the aquatic invasive species prevention account—state appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5699 (aquatic invasive species). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for the implementation of Engrossed House Bill No. 1241 (vehicle licensing and registration). If the bill is not enacted by June 30, 2005, the amount provided in this subsection shall lapse.

**PART V
EDUCATION**

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS

General Fund—State Appropriation (FY 2006)	\$12,946,000
General Fund—State Appropriation (FY 2007)	\$12,870,000
General Fund—Federal Appropriation	\$30,248,000
TOTAL APPROPRIATION	\$56,064,000

The appropriations in this section are subject to the following conditions and limitations:

(a) \$10,836,000 of the general fund—state appropriation for fiscal year 2006 and \$10,910,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$428,000 of the general fund—state appropriation for fiscal year 2006 and \$428,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$509,000 of the general fund—state appropriation for fiscal year 2006 and \$504,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided in this subsection, the Washington professional educator standards board shall pursue the implementation of recent study recommendations including: (i) Revision of teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies, and (ii) development of mathematics specialist endorsement.

(d) \$100,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v. State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7.

(e) \$950,000 of the general fund—state appropriation for fiscal year 2006 and \$950,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(f)(i) \$45,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for the office of the superintendent of public instruction and the department of health to collaborate and develop a work group to assess school nursing services in class I school districts. The work group shall consult with representatives from the following groups: School nurses, schools, students, parents, teachers, health officials, and administrators. The work group shall:

(A) Study the need for additional school nursing services by gathering data about current school nurse-to-student ratios in each class I school district and assessing the demand for school nursing services by acuity levels and the necessary skills to meet those demands. The work group also shall recommend to the legislature best practices in school nursing services, including a dedicated, sustainable funding model that would best meet the current and future needs of Washington's schools and contribute to greater academic success of all students. The work group shall make recommendations for school nursing services, and may examine school nursing services by grade level. The work group shall assess whether funding for school nurses should continue as part of basic education; and

(B) In collaboration with managed care plans that contract with the department of social and health services medical assistance administration to provide health services to children participating in the medicaid and state children's health insurance program, identify opportunities to improve coordination of and access to health services for low-income children through the use of school nurse services. The work group shall evaluate the feasibility of pooling school district and managed care plan funding to finance school nurse positions in school districts with high numbers of low-income children.

(ii) The office of superintendent of public instruction shall report the work group's findings and plans for implementation to the legislature by February 1, 2006.

(g) \$78,000 of the general fund—state appropriation for fiscal year 2006 and \$78,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to provide direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(2) STATEWIDE PROGRAMS

General Fund—State Appropriation (FY 2006)	\$10,192,000
General Fund—State Appropriation (FY 2007)	\$10,155,000
General Fund—Federal Appropriation	\$47,465,000
TOTAL APPROPRIATION	\$67,812,000

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 \$2,541,000 of the general fund—state appropriation for fiscal year 2006 and a maximum of \$2,541,000 of the general fund—state appropriation for fiscal year 2007 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.

(ii) A maximum of \$96,000 of the general fund—state appropriation for fiscal year 2006 and a maximum of \$96,000 of the general fund—state appropriation for fiscal year 2007 are provided for the school safety center in the office of the superintendent of public instruction 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 advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(iii) A maximum of \$100,000 of the general fund—state appropriation for fiscal year 2006 and a maximum of \$100,000 of the general fund—state appropriation for fiscal year 2007 are provided for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center 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.

(iv) \$40,000 of the general fund—state appropriation is provided solely for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(v) \$11,600,000 of the general fund—federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(vi) A maximum of \$146,000 of the general fund—state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund—state appropriation for fiscal year 2007 are provided for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide 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.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund—state appropriation for fiscal year 2006 and a maximum of \$1,939,000 of the general fund—state appropriation for fiscal year 2007 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.

(c) GRANTS AND ALLOCATIONS

(i) \$787,000 of the fiscal year 2006 appropriation and \$799,000 of the fiscal year 2007 appropriation are provided solely for the special services pilot projects. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.015.

(ii) A maximum of \$548,000 of the general fund—state appropriation for fiscal year 2006 and a maximum of \$548,000 of the general fund—state appropriation for fiscal year 2007 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages.

(iii) A maximum of \$31,000 of the general fund—state appropriation for fiscal year 2006 and a maximum of \$31,000 of the general fund—state appropriation for fiscal year 2007 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund—state appropriation for fiscal year 2006 and a maximum of \$1,224,000 of the general fund—state appropriation for fiscal year 2007 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund—state appropriation for fiscal year 2006 and a maximum of \$1,079,000 of the general fund—state appropriation for fiscal year 2007 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund—state appropriation for fiscal year 2006 and a maximum of \$97,000 of the general fund—state appropriation for fiscal year 2007 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund—state appropriation for fiscal year 2006 and a maximum of \$146,000 of the general fund—state appropriation for fiscal year 2007 are provided for the Washington civil liberties education program.

(viii) \$1,000,000 of the general fund—state appropriation for fiscal year 2006 and \$1,000,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) \$1,521,000 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.

(x) \$8,292,000 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.

(xi) \$19,587,000 of the general fund—federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

(xii) \$383,000 of the general fund—state appropriation for fiscal year 2006 and \$294,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

(xiii) \$75,000 of the general fund—state appropriation for fiscal year 2006 and \$75,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund—State Appropriation (FY 2006)	\$4,180,957,000
General Fund—State Appropriation (FY 2007)	\$4,243,010,000
TOTAL APPROPRIATION	\$8,423,967,000

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 2005-06 and 2006-07 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;

(A) Funds provided under this subsection (2)(a)(iv) 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 53.2 certificated instructional staff per thousand full-time equivalent students. 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 53.2 funding ratio 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 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) 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) 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;

(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) 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 2005-06 and 2006-07 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 10.90 percent in the 2005-06 school year and 11.90 percent in the 2006-07 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 14.57 percent in the 2005-06 school year and 15.82 percent in the 2006-07 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(2) 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 \$9,112 per certificated staff unit in the 2005-06 school year and a maximum of \$9,285 per certificated staff unit in the 2006-07 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 \$22,377 per certificated staff unit in the 2005-06 school year and a maximum of \$22,802 per certificated staff unit in the 2006-07 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 \$17,362 per certificated staff unit in the 2005-06 school year and a maximum of \$17,692 per certificated staff unit in the 2006-07 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2005-06 and 2006-07 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 \$7,621,000 outside the basic education formula during fiscal years 2006 and 2007 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 \$513,000 may be expended in fiscal year 2006 and a maximum of \$523,000 may be expended in fiscal year 2007;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2006 fiscal year and a maximum of \$2,035,000 for the 2007 fiscal year;

(c) A maximum of \$365,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year 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; and

(e) \$394,000 of the general fund—state appropriation for fiscal year 2006 and \$787,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for incentive grants to encourage school districts to increase enrollment in vocational skills centers. Up to \$500 for each full-time equivalent student may be proportionally distributed to a school district or school districts increasing skills centers enrollment above the levels in the 2004-05 school year. The office of the superintendent of public instruction shall develop criteria for awarding incentive grants pursuant to this subsection. The total amount

allocated pursuant to this subsection shall be limited to \$1,181,000 for the 2005-07 biennium.

(10) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.2 percent from the 2004-05 school year to the 2005-06 school year and 3.4 percent from the 2005-06 school year to the 2006-07 school year.

(11) 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.

NEW SECTION. Sec. 503. 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) 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 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1Sb; and

(b) 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.

(2) For the purposes of this section:

(a) "LEAP Document 1Sb" 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 18, 2005, at 10:00 hours; and

(b) "LEAP Document 12E" means the computerized tabulation of 2005-06 and 2006-07 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 April 6, 2005, at 10:00 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 10.26 percent for school year 2005-06 and 11.26 percent for school year 2006-07 for certificated staff and for classified staff 11.07 percent for school year 2005-06 and 12.32 percent for the 2006-07 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 Allocation Schedule For Certificated Instructional Staff
2005-06 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,383	31,204	32,054	32,906	35,640	37,401	36,426	39,161	40,924
1	30,792	31,624	32,485	33,375	36,137	37,889	36,831	39,594	41,345
2	31,181	32,022	32,892	33,850	36,605	38,375	37,239	39,994	41,764
3	31,583	32,431	33,311	34,299	37,049	38,861	37,626	40,373	42,187
4	31,977	32,862	33,747	34,770	37,536	39,361	38,031	40,796	42,623
5	32,384	33,273	34,167	35,247	38,002	39,864	38,442	41,199	43,061
6	32,802	33,672	34,596	35,729	38,472	40,344	38,864	41,607	43,478
7	33,536	34,420	35,356	36,551	39,334	41,258	39,655	42,437	44,362
8	34,612	35,543	36,502	37,796	40,616	42,611	40,899	43,720	45,714
9		36,707	37,713	39,054	41,940	44,002	42,156	45,044	47,106
10			38,938	40,376	43,301	45,432	43,479	46,405	48,535
11				41,737	44,726	46,900	44,840	47,830	50,003
12				43,055	46,189	48,428	46,255	49,292	51,532
13					47,688	49,993	47,720	50,791	53,096
14					49,194	51,618	49,227	52,396	54,721
15					50,474	52,961	50,507	53,758	56,144
16 or more					51,483	54,019	51,517	54,833	57,266

K-12 Salary Allocation Schedule For Certificated Instructional Staff
2006-07 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,900	31,735	32,599	33,466	36,247	38,038	37,046	39,827	41,620
1	31,316	32,162	33,038	33,942	36,752	38,534	37,458	40,268	42,048
2	31,712	32,566	33,451	34,426	37,228	39,028	37,873	40,674	42,475
3	32,121	32,983	33,878	34,883	37,679	39,523	38,266	41,060	42,905
4	32,521	33,421	34,321	35,362	38,174	40,031	38,678	41,491	43,348
5	32,935	33,840	34,748	35,846	38,649	40,543	39,097	41,900	43,794
6	33,360	34,245	35,185	36,337	39,127	41,031	39,526	42,315	44,218
7	34,107	35,005	35,957	37,173	40,003	41,960	40,330	43,159	45,116
8	35,201	36,148	37,123	38,439	41,307	43,336	41,594	44,464	46,492
9		37,332	38,355	39,718	42,654	44,751	42,873	45,810	47,908
10			39,601	41,063	44,038	46,205	44,219	47,194	49,361
11				42,448	45,487	47,698	45,603	48,644	50,853
12				43,788	46,975	49,252	47,042	50,131	52,409
13					48,499	50,844	48,532	51,655	54,000
14					50,031	52,496	50,065	53,287	55,652
15					51,333	53,862	51,366	54,673	57,099
16 or more					52,359	54,938	52,393	55,766	58,241

(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 two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional days shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school-wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. 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) and subsection (7) of this section.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund—State Appropriation (FY 2006)	\$73,981,000
General Fund—State Appropriation (FY 2007)	\$186,968,000

Education Legacy Trust Account—State Appropriation	\$470,000
General Fund—Federal Appropriation	\$864,000
TOTAL APPROPRIATION	\$262,283,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$135,669,000 is provided for a cost of living adjustment of 1.2 percent effective September 1, 2005, and another 1.7 percent effective September 1, 2006, for state formula staff units. The appropriations include associated incremental fringe benefit allocations at rates of 10.26 percent for the 2005-06 school year and 11.26 percent for the 2006-07 school year for certificated staff and 11.07 percent for the 2005-06 school year and 12.32 percent for the 2006-07 school year 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. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 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 sections 502 and 503 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	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.28	\$0.68
Highly Capable (per formula student)	\$2.96	\$7.26
Transitional Bilingual Education (per eligible bilingual student)	\$7.92	\$19.44
Learning Assistance (per formula student)	\$1.69	\$4.14

(c) The appropriations in this section include \$251,000 for fiscal year 2006 and \$676,000 for fiscal year 2007 for salary increase adjustments for substitute teachers.

(2) \$126,614,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$582.47 per month for the 2005-06 and 2006-07 school years. The appropriations in this section provide for a rate increase to \$629.07 per month for the 2005-06 school year and \$679.39 per month for the 2006-07 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2005-06	2006-07
Pupil Transportation (per weighted pupil mile)	\$0.42	\$0.88
Highly Capable (per formula student)	\$2.89	\$5.97

Transitional Bilingual Education (per eligible bilingual student)	\$7.54	\$15.69
Learning Assistance (per formula student)	\$1.49	\$3.11

(3) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State Appropriation (FY 2006)	\$242,170,000
General Fund—State Appropriation (FY 2007)	\$248,575,000
TOTAL APPROPRIATION	\$490,745,000

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) A maximum of \$796,000 of this fiscal year 2006 appropriation and a maximum of \$812,000 of the fiscal year 2007 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) \$5,000 of the fiscal year 2006 appropriation and \$5,000 of the fiscal year 2007 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 \$41.51 per weighted mile in the 2005-06 school year and \$42.01 per weighted mile in the 2006-07 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.

(5) For busses purchased between July 1, 2005, and June 30, 2007, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined

by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

(6) Beginning with the 2005-06 school year, the superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the current state price. The superintendent may include a weighting or other adjustment factor in the averaging formula to ease the transition from the current-price depreciation system to the average depreciation system. Prior to making any depreciation payment in the 2005-06 school year, the superintendent shall notify the office of financial management and the fiscal committees of the legislature of the specific depreciation formula to be used. The replacement cost shall be based on the lowest bid in the appropriate bus category for that school year. A maximum of \$50,000 of the fiscal year 2006 appropriation may be expended for software programming costs associated with the implementation of this subsection.

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund—State Appropriation (FY 2006)	\$3,147,000
General Fund—State Appropriation (FY 2007)	\$3,159,000
General Fund—Federal Appropriation	\$288,774,000
TOTAL APPROPRIATION	\$295,080,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,000,000 of the general fund—state appropriation for fiscal year 2006 and \$3,000,000 of the general fund—state appropriation for fiscal year 2007 are provided for state matching money for federal child nutrition programs.
- (2) \$100,000 of the general fund—state appropriation for fiscal year 2006 and \$100,000 of the 2007 fiscal year appropriation are provided for summer food programs for children in low-income areas.
- (3) \$47,000 of the general fund—state appropriation for fiscal year 2006 and \$59,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to House Bill No. 1771 (requiring school breakfast programs in certain schools). If House Bill No. 1771 is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2006)	\$460,032,000
General Fund—State Appropriation (FY 2007)	\$471,961,000
General Fund—Federal Appropriation	\$435,464,000
TOTAL APPROPRIATION	\$1,367,457,000

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) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using 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) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each 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 and federal 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 2005-06 and 2006-07 school years, the superintendent shall 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.

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.

(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 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) To the extent necessary, \$18,940,000 of the general fund—state appropriation and \$28,698,000 of the general fund—federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If safety net awards exceed the amount appropriated in this subsection (8), 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 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.

(9) 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.

(10) 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 who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) 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.

(12) A maximum of \$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.

(13) A maximum of \$100,000 of the general fund—federal appropriation shall be expended to create a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center.

(14) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. 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.

(15) 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.

(16) \$1,400,000 of the general fund—federal appropriation shall be expended for one-time grants to school districts for the start-up costs of implementing web-based programs that assist schools in meeting state and federal requirements regarding individualized education plans.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carry over funds shall be expended in the special education program.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund—State Appropriation (FY 2006)	\$3,694,000
General Fund—State Appropriation (FY 2007)	\$3,724,000
TOTAL APPROPRIATION	\$7,418,000

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) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund—State Appropriation (FY 2006)	\$174,465,000
General Fund—State Appropriation (FY 2007)	\$182,702,000
TOTAL APPROPRIATION	\$357,167,000

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2006)	\$19,084,000
General Fund—State Appropriation (FY 2007)	\$19,673,000
TOTAL APPROPRIATION	\$38,757,000

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) \$219,000 of the general fund—state appropriation for fiscal year 2006 and \$219,000 of the general fund—state appropriation for fiscal year 2007 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.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund—State Appropriation (FY 2006)	\$6,860,000
General Fund—State Appropriation (FY 2007)	\$6,926,000
TOTAL APPROPRIATION	\$13,786,000

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 \$347.24 per funded student for the 2005-06 school year and \$349.48 per funded student for the 2006-07 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) \$170,000 of the fiscal year 2006 appropriation and \$170,000 of the fiscal year 2007 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2006 appropriation and \$90,000 of the fiscal year 2007 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

NEW SECTION. Sec. 512. 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	\$22,084,000
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NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund—State Appropriation (FY 2006)	\$43,076,000
General Fund—State Appropriation (FY 2007)	\$40,427,000
General Fund—Federal Appropriation	\$123,345,000
TOTAL APPROPRIATION	\$206,848,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ASSESSMENT

\$19,810,000 of the general fund—state appropriation for fiscal year 2006, \$16,105,000 of the general fund—state appropriation for fiscal year 2007, and \$16,111,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more

content areas of the WASL and development of alternative assessments or appeals procedures to implement the certificate of academic achievement. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year.

(2) PROFESSIONAL DEVELOPMENT

(a) \$548,000 of the fiscal year 2006 general fund—state appropriation and \$548,000 of the fiscal year 2007 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.

(b) \$2,348,000 of the general fund—state appropriation for fiscal year 2006 and \$2,348,000 of the general fund—state appropriation for fiscal year 2007 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.

(c) \$705,000 of the general fund—state appropriation for fiscal year 2006 and \$705,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(d) \$3,010,000 of the general fund—state appropriation for fiscal year 2006 and \$4,018,000 of the general fund—state appropriation for fiscal year 2007 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:

(i) Teachers who hold a valid certificate from the national board during the 2005-06 or 2006-07 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(ii) 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).

(e) \$90,399,000 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.

(3) SCHOOL IMPROVEMENT

(a) \$338,000 of the general fund—state appropriation for fiscal year 2006 and \$338,000 of the general fund—state appropriation for fiscal year 2007 are provided solely 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: (i) Development of an individualized professional growth plan for a new principal or principal candidate; and (ii) 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. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(b) \$3,046,000 of the general fund—state appropriation for fiscal year 2006 and \$3,046,000 of the general fund—state appropriation for fiscal year 2007 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. 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.

(c) \$1,000,000 of the general fund—state appropriation for fiscal year 2006 and \$1,000,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in (b) of this subsection. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(d) A maximum of \$250,000 of the general fund—state appropriation for fiscal year 2006 and a maximum of \$250,000 of the general fund—state appropriation for fiscal year 2007 are provided for summer accountability institutes offered by the superintendent of public instruction. 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, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall emphasize issues of high school reform and mathematics instruction when offering summer institute programs supported by funds provided in this subsection.

(e) \$515,000 of the general fund—state appropriation for fiscal year 2006 and \$515,000 of the general fund—state appropriation for fiscal year 2007 are provided for the evaluation of reading and mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math and reading programs and shall develop and disseminate grade level expectations for reading and math which shall include professional development modules and web-based materials.

(f) \$1,764,000 of the general fund—state appropriation for fiscal year 2006 and \$1,764,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the mathematics helping corps subject to the following conditions and limitations:

(i) 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 not be permanent employees of the superintendent of public instruction.

(ii) The school improvement specialists shall provide the following:

(A) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(B) 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;

(C) 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;

(D) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(E) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(F) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(G) Other assistance to schools and school districts intended to improve student mathematics learning.

(g) \$125,000 of the general fund—state appropriation for fiscal year 2006 and \$125,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(h) \$16,758,000 of the general fund—federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(4) STUDENT SUPPORTS

(a) \$2,500,000 of the general fund—state appropriation for fiscal year 2006 and \$2,500,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(b) \$125,000 of the general fund—state appropriation for fiscal year 2006 and \$125,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for an early reading grant program for community-based initiatives that develop prereading and early reading skills through parental and community involvement, public awareness, coordination of resources, and partnerships with local school districts. Grant awards shall include funding for one-time start up costs for local affiliates and a one-time partial payment of school district dues to local affiliates of up to 30 percent of the per student dues amount. Grant applications shall include:

(i) Strategies for parental involvement emphasizing ages birth to five and outreach to diverse communities;

(ii) Evidence of collaboration with, and support from, local school districts, and how the activities funded in the grant are complementary to the reading improvement efforts of local school districts;

(iii) A plan for community participation and coordination of resources including in-kind and financial support by public and private sector partners;

(iv) Measurable goals and evaluation methodology to determine impact;

(v) Integration of reading strategies from the Washington state early learning and development benchmarks;

(vi) A plan for marketing and public relations;

(vii) Strategies for sustaining the program when grant funding is no longer available; and

(viii) Evidence of district commitment to reading improvement, aligned curriculum, progress monitoring, and time-on-task.

(c) \$850,000 of the general fund—state appropriation for fiscal year 2006 and \$850,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2005 through August 31, 2007.

(d) \$3,594,000 of the general fund—state appropriation for fiscal year 2006 and \$3,594,000 of the general fund—state appropriation for fiscal year 2007 are provided solely 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.

(5) TECHNOLOGY

(a) \$1,959,000 of the general fund—state appropriation for fiscal year 2006 and \$1,959,000 of the general fund—state appropriation for fiscal year 2007 are provided solely 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.

(b) \$126,000 of the general fund—state appropriation for fiscal year 2006 and \$126,000 of the general fund—state appropriation for fiscal year 2007 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.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund—State Appropriation (FY 2006)	\$59,673,000
General Fund—State Appropriation (FY 2007)	\$63,535,000
General Fund—Federal Appropriation	\$45,561,000
TOTAL APPROPRIATION	\$168,769,000

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) The superintendent shall distribute a maximum of \$757.72 per eligible bilingual student in the 2005-06 school year and \$763.70 in the 2006-07 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$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) The general fund—federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund—State Appropriation (FY 2006)	\$65,434,000
General Fund—State Appropriation (FY 2007)	\$65,367,000
Education Legacy Trust Account—State Appropriation	\$24,605,000
General Fund—Federal Appropriation	\$343,227,000
TOTAL APPROPRIATION	\$498,633,000

(1) The general fund—state and education legacy trust account 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 the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$184.29 per funded student for the 2005-06

school year and \$186.03 per funded student for the 2006-07 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K-12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund—state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(2) Increases in a school district's allocation above the 2004-05 school year level shall be directed to grades nine through twelve. Districts are encouraged to offer remediation courses in the summer for students who fail the tenth grade WASL.

(3) 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.

(4) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(5) A school district may carry over from one year to the next up to 10 percent of the general fund—state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(6) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account—State Appropriation \$629,356,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$300.00 per FTE student for the 2005-06 school year and \$375.00 per FTE student for the 2006-07 school year. For the purposes

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, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(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 extended 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).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

NEW SECTION. Sec. 517. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS. State general fund and state student achievement fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Appropriations made in this act to the office of superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

**PART VI
HIGHER EDUCATION**

NEW SECTION. Sec. 601. 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 and described in sections 603 and 949 through 980 of this act 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) For employees under the jurisdiction of chapter 41.56 RCW pursuant to the provisions of RCW 28B.16.015 and 28B.50.874(1), 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.

(c) 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, 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)(c) 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)(c).

(d) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(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 2005-06 and 2006-07 academic years, other than the summer term, shall 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. Tuition fees may be increased in excess of the fiscal growth factor under RCW 43.135.055.

For the 2005-06 academic year, the governing boards of the state universities may implement an increase no greater than seven percent over

tuition fees charged to full-time resident undergraduate students for the 2004-05 academic year. The governing boards of the regional universities and The Evergreen State College may implement an increase no greater than six percent over tuition fees charged to full-time resident undergraduate students for the 2004-05 academic year. The state board for community and technical colleges may implement an increase no greater than five percent over tuition fees charged to full-time resident students for the 2004-05 academic year.

For the 2006-07 academic year, the governing boards of the state universities may implement an increase no greater than seven percent over tuition fees charged to full-time resident undergraduate students for the 2005-06 academic year. The governing boards of the regional universities and The Evergreen State College may implement an increase no greater than six percent over tuition fees charged to full-time resident undergraduate students for the 2005-06 academic year. The state board for community and technical colleges may implement an increase no greater than five percent over tuition fees charged to full-time resident students for the 2005-06 academic year.

(4) For the 2005-07 biennium, the state board for community and technical colleges may increase tuition fees differentially based on student credit hour load at their discretion.

(5) For the 2005-07 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.

(6) Technical colleges may increase their building fee in excess of the fiscal growth factor until parity is reached with the community colleges.

(7) 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 operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(8) Pursuant to RCW 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 2005-07 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.

(9) Pursuant to RCW 43.135.055, community and technical colleges are authorized to increase services and activities fee charges in excess of the fiscal growth factor during the 2005-2007 biennium. The services and activities fee charges increased pursuant to this subsection shall not exceed the maximum level authorized by the state board for community and technical colleges.

(10) Pursuant to RCW 43.135.055, the governing boards of the state universities, regional universities, and The Evergreen State College are authorized to increase application fees in excess of the fiscal growth factor during the 2005-2007 biennium. The application fee levels increased pursuant to this subsection shall not exceed fifty dollars per application.

NEW SECTION. Sec. 602. (1) 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.

	2005-06 Annual Average	2006-07 Annual Average
University of Washington		
Main campus	33,037	33,217
Bothell branch	1,340	1,540
Tacoma branch	1,644	1,869
Washington State University		
Main campus	18,695	18,910
Tri-Cities branch	675	700
Vancouver branch	1,353	1,678
Central Washington University	8,323	8,649
Eastern Washington University	8,593	8,919
The Evergreen State College	4,038	4,143
Western Washington University	11,559	11,729
State Board for Community and Technical Colleges	130,905	133,040

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the branch campuses are the minimum required enrollment levels for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments from the main campus to one or more branch campus. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needs of the forecast division who is responsible to track and monitor state-supported college enrollment.

NEW SECTION. Sec. 603. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund—State Appropriation (FY 2006)	\$556,499,000
General Fund—State Appropriation (FY 2007)	\$556,220,000
Administrative Contingency Account—State Appropriation.	\$2,950,000
Education Legacy Trust—State Appropriation.	\$46,669,000
TOTAL APPROPRIATION	\$1,172,338,000

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) \$539,000 of the general fund—state appropriation for fiscal year 2006 and \$540,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the displaced homemakers program.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the North Snohomish, Island, and Skagit county region based on the university center model.

(4) \$50,000 of the general fund—state appropriation for fiscal year 2006 and \$50,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(5) \$28,761,000 of the general fund—state appropriation for fiscal year 2006 and \$28,761,000 of the general fund—state appropriation for fiscal year 2007 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). Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(6) \$2,000,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,000,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for basic skills education at community and technical colleges and community-based providers. These funds may be used to align or integrate adult basic education and English as a second language courses with vocational training.

(7) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the community and technical colleges as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the state board for community and technical colleges shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Increase the number of academic students who are eligible to transfer to baccalaureate institutions;
- (b) Increase the number of students prepared for work; and
- (c) Increase the number of basic skills students who demonstrate substantive skill gain.

Specific six-year targets for the goals stated in this subsection shall be established by the state board and the office of financial management and shall be determined based on the per student funding level assumed in this act.

The state board for community and technical colleges shall provide a summary of the progress and ongoing efforts toward meeting the provisions of this section to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(8) \$11,070,000 of the education legacy trust appropriation for fiscal year 2006 and \$22,599,000 of the education legacy trust appropriation for fiscal year 2007 are provided to increase budgeted enrollments by 2,050 student FTEs in academic year 2006 and an additional 2,135 student FTEs in academic year 2007. By December 15th of each year of the 2005-07 fiscal biennium, the board shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs enrolled with the funding provided in this subsection.

(9) \$2,250,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,250,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to increase salaries and related benefits for part-time faculty. A college district may match the state funds with local revenue. The board shall report by January 30, 2006, to the office of financial management and the appropriate fiscal and policy committees of the legislature on (a) the distribution of state funds, and (b) wage adjustments for part-time faculty.

(10) \$2,250,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,250,000 of the education legacy trust appropriation for fiscal year 2007 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 salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount.

(11) \$2,950,000 of the administrative contingency account—state appropriation is provided solely for administration and customized training contracts through the job skills program, which shall be made available broadly and not to the exclusion of private nonprofit baccalaureate degree granting institutions or vocational arts career schools operating in Washington state who partner with a firm, hospital, group, or industry association concerned with commerce, trade, manufacturing, or the provision of services to train current or prospective employees. The state board shall make an annual report by January 1 of each fiscal year to the governor and appropriate policy and fiscal committees of the legislature regarding the implementation of this section listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the successful partnerships supported by these state funds.

NEW SECTION. Sec. 604. FOR THE UNIVERSITY OF WASHINGTON

General Fund—State Appropriation (FY 2006)	\$336,644,000
General Fund—State Appropriation (FY 2007)	\$344,118,000
General Fund—Private/Local Appropriation	\$300,000
Accident Account—State Appropriation	\$6,204,000
Medical Aid Account—State Appropriation	\$6,141,000
Education Legacy Trust—State Appropriation	\$10,748,000
TOTAL APPROPRIATION	\$704,155,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$165,000 of the general fund—state appropriation for fiscal year 2006 and \$165,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

(2) \$300,000 of the general fund—private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

(3) \$3,057,000 of the education legacy trust appropriation for fiscal year 2006 and \$7,691,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 360 new enrollments at the Seattle campus, 325 new enrollments at the Tacoma campus, and 275 new enrollments at the Bothell campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(4) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, the University of Washington shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;

(e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and

(f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher

education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(5) \$200,000 of the general fund—state appropriation for fiscal year 2006 is provided solely to assist the transition of University of Washington-Tacoma and University of Washington-Bothell from branch campuses serving upper-division students, to four-year campuses serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, UW-Tacoma and UW-Bothell may begin enrolling lower-division students beginning in fiscal year 2007.

(6) \$30,000 of the general fund—state appropriation for fiscal year 2006 and \$30,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for research on labor and economic issues in Washington state through the Harry Bridges center.

(7) \$146,000 of the general fund—state appropriation for fiscal year 2006 and \$146,000 of the general fund—state appropriation for the fiscal year 2007 are provided solely to the Burke Museum to enhance the museum's public outreach capabilities.

(8) \$125,000 of the general fund—state appropriation for fiscal year 2006 and \$125,000 of the general fund—state appropriation for the fiscal year 2007 are provided solely to the institute for learning and brain sciences (ILABS) to develop a partnership, linking ILABS to policymakers, private sectors and user-groups.

(9) The University of Washington medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department of corrections has negotiated with other community hospitals in Washington state.

(10) \$75,000 of the general fund—state appropriation for fiscal year 2006 and \$75,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the Olympic natural resources center.

(11) \$350,000 of the general fund—state appropriation for fiscal year 2006 and \$350,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to maintain the autism center at the University of Washington-Tacoma campus. The facility will continue to function as a satellite facility to the autism center at the University of Washington medical center in Seattle and provide clinical service and professional training.

NEW SECTION. Sec. 605. FOR WASHINGTON STATE UNIVERSITY

General Fund—State Appropriation (FY 2006)	\$206,494,000
General Fund—State Appropriation (FY 2007)	\$211,870,000
Education Legacy Trust—State Appropriation.	\$11,162,000
TOTAL APPROPRIATION	\$429,526,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund—state appropriation for fiscal year 2006 and \$210,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of the Puget Sound work plan and agency action item WSU-01.

(2) \$2,741,000 of the education legacy trust appropriation for fiscal year 2006 and \$6,900,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 430 new enrollments at the Pullman campus, 450 new enrollments at the Vancouver campus, and 25 new enrollments at the Tri-Cities campus. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(3) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Washington State University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that are ranked in the top twenty nationally;

(e) Sustain the quality of its research programs as measured by the national ranking for federal research grants received; and

(f) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006 the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(4) \$507,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,014,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely to expand the entering class of veterinary medicine students by 16 resident student FTEs each academic year during the 2005-2007 biennium.

(5) \$350,000 of the general fund—state appropriation for fiscal year 2006 is provided solely to assist the transition of Washington State University-Vancouver from a branch campus serving only upper-division students, to a four-year campus serving freshmen, sophomores, and upper-division students. Funds may be used to develop curricula, recruit new faculty, and expand student services. Consistent with the recommendations of the higher education coordinating board, WSU-Vancouver may begin enrolling lower-division students beginning in fiscal year 2007.

(6) The university shall give consideration to reprioritizing agricultural research funding to allow for expansion of the center for precision agricultural systems and development of the biologically intensive and organic agriculture program.

(7) \$25,000 of the general fund—state appropriation for fiscal year 2006 and \$25,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to study the cost of complying with vehicle licensing and registration laws. Funding is subject to the passage of House Bill No. 1241 (modifying vehicle licensing and registration penalties). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(8) \$42,000 of the general fund—state appropriation for fiscal year 2006 and \$43,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5101 (providing incentives to support renewable energy). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(9) \$200,000 of the general fund--state appropriation for fiscal year 2006 and \$200,000 of the general fund--state appropriation for fiscal year 2007 are provided solely to conduct research on alternatives for controlling ghost shrimp in Willapa bay.

NEW SECTION. Sec. 606. FOR EASTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2006)	\$46,137,000
General Fund—State Appropriation (FY 2007)	\$47,069,000
Education Legacy Trust—State Appropriation.	\$6,461,000
TOTAL APPROPRIATION	\$99,667,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of

this act. Given these increases in core funding, Eastern Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(3) \$212,000 of the general fund—state appropriation for fiscal year 2006 and \$213,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the northeast autism center to provide community based approaches to assisting children and adults with autism spectrum disorder and to include the establishment of a preschool at Eastern Washington University to serve children identified with autism spectrum disorder.

NEW SECTION. Sec. 607. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2006)	\$45,379,000
General Fund—State Appropriation (FY 2007)	\$46,739,000
Education Legacy Trust—State Appropriation	\$6,461,000
TOTAL APPROPRIATION	\$98,579,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,147,000 of the education legacy trust appropriation for fiscal year 2006 and \$4,314,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 650 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the

university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Central Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(3) For the 2006-07 and 2007-08 academic years, the legislature hereby increases the limit on total gross authorized operating fees revenue waived, exempted, or reduced by Central Washington University pursuant to RCW 28B.15.910 to eleven percent.

NEW SECTION. Sec. 608. FOR THE EVERGREEN STATE COLLEGE

General Fund—State Appropriation (FY 2006)	\$25,586,000
General Fund—State Appropriation (FY 2007)	\$26,174,000
Education Legacy Trust—State Appropriation.	\$2,116,000
TOTAL APPROPRIATION	\$53,876,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$705,000 of the education legacy trust appropriation for fiscal year 2006 and \$1,411,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 210 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the college shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the college as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, The Evergreen State College shall, by

June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

- (a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;
- (b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;
- (c) Improve freshman retention rates;
- (d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation;
- (e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(3) \$40,000 of the general fund—state appropriation for fiscal year 2006 and \$10,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the Washington state institute for public policy to conduct an analysis of the availability, services, and effectiveness of programs in community and technical colleges that serve the educational needs of recent immigrant students who are not proficient in English and who are or have been enrolled in high school but have not met graduation requirements. The analysis shall include, but not be limited to, the type of programs provided, the geographic availability of programs, the identification of best practices, how the programs are funded, and the effectiveness of the programs. The analysis shall also include recommendations for improving the programs to better meet the needs of recent immigrant students and for expanding the availability of programs statewide. A report shall be submitted to the fiscal and education committees of the legislature, the superintendent of public instruction, and the state board for community and technical colleges by December 1, 2006.

(4) \$170,000 of the general fund—state appropriation for fiscal year 2006 and \$140,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for sections 217 and 605 of Senate Bill No. 5763 (mental disorders treatment). If neither section 217 nor section 605 is enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 609. FOR WESTERN WASHINGTON UNIVERSITY

General Fund—State Appropriation (FY 2006)	\$58,896,000
General Fund—State Appropriation (FY 2007)	\$60,514,000
Education Legacy Trust—State Appropriation	\$3,475,000
TOTAL APPROPRIATION	\$122,885,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,158,000 of the education legacy trust appropriation for fiscal year 2006 and \$2,317,000 of the education legacy trust appropriation for fiscal year 2007 are provided as the state subsidy for 340 new enrollments. By December 15th of each year of the 2005-07 fiscal biennium, the university shall report to the office of financial management and the legislative fiscal committees the number of new student FTEs by campus enrolled with the funding provided in this subsection.

(2) The appropriations for higher education employee compensation increases provided or referenced in this section and described in sections 949 through 980 of this act are estimated to increase the total per student funding during the 2005-2007 biennium. This increase in total per student funding is in addition to the tuition revenues that will be generated and retained by the university as a result of the tuition increases that are authorized in section 601 of this act. Given these increases in core funding, Western Washington University shall, by June 30, 2007, show demonstrable progress toward achieving the following six-year programmatic goals:

(a) Improve time to degree as measured by the percent of admitted students who graduate within 125% of the credits required for a degree;

(b) Preserve access for low-income students as measured by the percentage of total degrees awarded to Pell Grant recipients;

(c) Improve freshman retention rates;

(d) Improve and sustain the quality of its degree programs as measured by the number of programs that receive national accreditation; and

(e) Improve its ability to prepare students for the workforce as measured by the job placement or graduate school acceptance rates among graduates.

Specific six-year targets for the goals stated in this subsection shall be established by the university, the office of financial management, and the higher education coordinating board and shall be determined based on the per student funding level assumed in this act.

On or before October 1, 2006, the university shall submit to the higher education coordinating board a report that outlines the institution's progress and ongoing efforts toward meeting the provisions of this section. The higher education coordinating board shall compile and analyze all responses and provide a summary to the governor and the appropriate fiscal and policy committees of the legislature prior to November 1, 2006.

(3) Access to baccalaureate and graduate degree programs continues to be limited for residents of North Snohomish, Island, and Skagit counties. The higher education consortium created to serve the region has not been able to successfully address the region's access needs. The university center model of service delivery, centered on a community college campus with a single point of accountability, has proven more effective in developing degree programs and attracting students.

Therefore, the management and leadership responsibility for consortium operations are assigned to Everett community college. Everett community college shall collaborate with community and business leaders, other local community colleges, the public four-year institutions of higher education, and the higher education coordinating board to develop an educational plan for the

North Snohomish, Island, and Skagit county region based on the university center model.

NEW SECTION. Sec. 610. FOR THE HIGHER EDUCATION COORDINATING BOARD—POLICY COORDINATION AND ADMINISTRATION

General Fund—State Appropriation (FY 2006)	\$2,665,000
General Fund—State Appropriation (FY 2007)	\$2,684,000
General Fund—Federal Appropriation	\$4,289,000
TOTAL APPROPRIATION	\$9,638,000

The appropriations in this section are subject to the following conditions and limitations: \$300,000 of the general fund—state appropriation for fiscal year 2006 and \$300,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to develop college readiness standards for English and science.

NEW SECTION. Sec. 611. FOR THE HIGHER EDUCATION COORDINATING BOARD—FINANCIAL AID AND GRANT PROGRAMS

General Fund—State Appropriation (FY 2006)	\$159,363,000
General Fund—State Appropriation (FY 2007)	\$164,634,000
General Fund—Federal Appropriation	\$13,073,000
Education Legacy Trust—State Appropriation	\$62,910,000
TOTAL APPROPRIATION	\$399,980,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$299,000 of the general fund—state appropriation for fiscal year 2006 and \$308,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the western interstate commission for higher education.

(2) \$75,000 of the general fund—state appropriation for fiscal year 2006 and \$75,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(3) \$25,000 of the general fund—state appropriation for fiscal year 2006 and \$25,000 of the general fund—state appropriation for fiscal year 2007 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 2005-06 and 2006-07 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.

(4) \$124,901,000 of the general fund—state appropriation for fiscal year 2006, \$134,506,000 of the general fund—state appropriation for fiscal year 2007, \$28,400,000 of the education legacy trust appropriation for fiscal year 2006, and \$31,654,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for the state need grant program. After April 1st 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.

(5) \$250,000 of the general fund—state appropriation for fiscal year 2006 and \$250,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to implement House Bill No. 1345 (part-time student financial aid). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse. The board may not expend more than the amount provided in this subsection to implement the bill.

(6) \$75,000 of the general fund—state appropriation for fiscal year 2006 and \$75,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the implementation of Second Substitute House Bill No. 1050 (foster care endowed scholarship program). The purpose of the program is to help students who are or were in foster care attend an institution of higher education in the state of Washington. If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(7) \$250,000 of the general fund—state appropriation for fiscal year 2006 and \$250,000 of the general fund—state appropriation for the fiscal year 2007 are provided solely to support the future teachers' conditional scholarship and loan repayment program.

(8) \$17,048,000 of the general fund—state appropriation for fiscal year 2006, \$17,048,000 of the general fund—state appropriation for fiscal year 2007, \$863,000 of the education legacy trust appropriation for fiscal year 2006, and \$1,993,000 of the education legacy trust appropriation for fiscal year 2007 are provided solely for the state work study program. After April 1st 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. In addition to the administrative allowance in subsection (11) of this section, four percent of the general fund—state amount in this subsection may be expended for state work study program administration.

(9) \$2,867,000 of the general fund—state appropriation for fiscal year 2006 and \$2,867,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for educational opportunity grants pursuant to chapter 233, Laws of 2003 (ESB 5676). 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.

(10) \$2,384,000 of the general fund—state appropriation for fiscal year 2006 and \$2,361,000 of the general fund—state appropriation for fiscal year 2007 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. Amounts provided in this subsection are sufficient for the higher education coordinating board to select three Washington scholars in fiscal year 2006 and two Washington scholars in fiscal year 2007 from each legislative district under the provisions of RCW 28A.600.100 through 28A.600.150.

(11) \$794,000 of the general fund—state appropriation for fiscal year 2006 and \$847,000 of the general fund—state appropriation for fiscal year 2007 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.

(12) \$246,000 of the general fund—state appropriation for fiscal year 2006 and \$246,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for community scholarship matching grants of \$2,000 each and up to a total of \$46,000 per year in grants for nonprofit community organizations with preference given to organizations affiliated with scholarship America to administer the scholarship matching grants. 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 section. An organization may receive more than one \$2,000 matching grant and preference shall be given to organizations affiliated with scholarship America.

(13) Subject to state need grant service requirements pursuant to chapter 28B.119 RCW, \$4,265,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for the Washington promise scholarship program. The Washington promise scholarship program is terminated following fiscal year 2006. No Washington promise scholarship awards may be offered to students beyond the graduating high school class of 2004.

(14) \$2,963,000 of the general fund—state appropriation for fiscal year 2006 and \$2,958,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for financial aid administration, in addition to the four percent cost allowance provision for state work study under subsection (5) of this section. These funds are provided to administer all the financial aid and grant programs assigned to the board by the legislature and administered by the agency. To the extent the executive director finds the agency will not require the full sum provided in this subsection, a portion may be transferred to supplement financial grants-in-aid to eligible clients after notifying the board and the office of financial management of the intended transfer.

NEW SECTION. Sec. 612. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund—State Appropriation (FY 2006)	\$1,225,000
General Fund—State Appropriation (FY 2007)	\$1,231,000
General Fund—Federal Appropriation	\$53,890,000
TOTAL APPROPRIATION	\$56,346,000

NEW SECTION. Sec. 613. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund—State Appropriation (FY 2006)	\$1,446,000
General Fund—State Appropriation (FY 2007)	\$1,476,000
TOTAL APPROPRIATION	\$2,922,000

The appropriations in this section are subject to the following conditions and limitations:

The legislature finds that economic development, especially in emerging technologies, is critical to Spokane and Eastern Washington. The principal goal of the state's investment in the Spokane intercollegiate research and technology institute (SIRTI) is to bridge the gap between academic discovery and economic development, thereby leveraging the state's investment in research. However, it is essential to find appropriate ways to mark the success of these efforts. By September 15, 2005, SIRTI shall develop a plan for review by the house of representatives higher education committee and the senate labor, commerce,

research and development committee, describing the agency's strategy and budget for commercial application of academic research. The plan shall include actions to be taken to select, develop, commercialize, and graduate clients. The plan shall also detail how to measure significant impacts to the overall economic climate of the Spokane region, including job creation and wages, that are attributable to SIRTl.

NEW SECTION. Sec. 614. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund—State Appropriation (FY 2006)	\$2,322,000
General Fund—State Appropriation (FY 2007)	\$2,349,000
General Fund—Federal Appropriation	\$1,300,000
General Fund—Private/Local Appropriation (FY 2007)	\$1,000
TOTAL APPROPRIATION	\$5,972,000

NEW SECTION. Sec. 615. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2006)	\$3,408,000
General Fund—State Appropriation (FY 2007)	\$2,757,000
TOTAL APPROPRIATION	\$6,165,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$102,000 of the general fund—state appropriation for fiscal year 2006 and \$95,000 of the general fund—state appropriation for fiscal year 2007 are provided solely to implement Senate Bill No. 5707 (women's history consortium). If the bill is not enacted by June 30, 2005, the amounts provided in this subsection shall lapse.

(2) \$262,000 of the general fund—state appropriation for fiscal year 2006 is provided solely to coordinate and fund programs related to the Lewis and Clark bicentennial commemoration.

(3) \$155,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for reimbursement of costs incurred by the Pacific county sheriff's office resulting from Lewis and Clark bicentennial commemoration events.

(4) \$100,000 of the general fund—state appropriation for fiscal year 2006 is provided solely for reimbursement of costs incurred by local law enforcement resulting from Lewis and Clark bicentennial commemoration events scheduled in the cities of Clarkston, Dayton, Kennewick, Stevenson, Toppenish, and Vancouver.

NEW SECTION. Sec. 616. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund—State Appropriation (FY 2006)	\$1,636,000
General Fund—State Appropriation (FY 2007)	\$1,630,000
TOTAL APPROPRIATION	\$3,266,000

NEW SECTION. Sec. 617. FOR THE STATE SCHOOL FOR THE BLIND

General Fund—State Appropriation (FY 2006)	\$5,133,000
General Fund—State Appropriation (FY 2007)	\$5,251,000

General Fund—Private/Local Appropriation	\$1,335,000
TOTAL APPROPRIATION	\$11,719,000

NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE

DEAF

General Fund—State Appropriation (FY 2006)	\$8,419,000
General Fund—State Appropriation (FY 2007)	\$8,613,000
General Fund—Private/Local Appropriation	\$232,000
TOTAL APPROPRIATION	\$17,264,000

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. 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 2006)	\$694,444,000
General Fund—State Appropriation (FY 2007)	\$668,119,000
State Building Construction Account—State Appropriation	\$3,924,000
State Taxable Building Construction Account—State Appropriation	\$139,000
Gardner-Evans Higher Education Construction Account—State Appropriation	\$1,215,000
Debt-limit General Fund Bond Retirement Account—State Appropriation	\$4,113,000
Debt-Limit Reimbursable Bond Retirement Account—State Appropriation	\$2,583,000
TOTAL APPROPRIATION	\$1,374,537,000

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 2006 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2006.

NEW SECTION. Sec. 702. 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	\$29,411,000
Accident Account—State Appropriation	\$5,111,000
Medical Aid Account—State Appropriation	\$5,111,000
TOTAL APPROPRIATION	\$39,633,000

NEW SECTION. Sec. 703. 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 2006)	\$24,588,000
General Fund—State Appropriation (FY 2007)	\$26,743,000
Nondebt-Limit Reimbursable Bond Retirement	
Account—State Appropriation	\$131,844,000
TOTAL APPROPRIATION	\$183,175,000

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.

NEW SECTION. Sec. 704. FOR THE STATE TREASURER—BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund—State Appropriation (FY 2006)	\$1,357,000
General Fund—State Appropriation (FY 2007)	\$1,357,000
State Building Construction Account—State Appropriation	\$1,080,000
State Taxable Building Construction	
Account—State Appropriation	\$13,000
Gardner-Evans Higher Education Construction	
Account—State Appropriation	\$452,000
TOTAL APPROPRIATION	\$4,259,000

NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT—FIRE CONTINGENCY POOL

Disaster Response Account—State Appropriation	\$4,000,000
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The sum of \$4,000,000 is appropriated from the disaster response account for the purpose of making allocations to the Washington state patrol for fire mobilizations costs or to the department of natural resources for fire suppression costs.

NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY FUND

General Fund—State Appropriation (FY 2006)	\$850,000
General Fund—State Appropriation (FY 2007)	\$850,000
TOTAL APPROPRIATION	\$1,700,000

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.

NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SEX OFFENDER SENTENCING IMPACT

General Fund—State Appropriation (FY 2006)	\$45,000
General Fund—State Appropriation (FY 2007)	\$792,000
TOTAL APPROPRIATION	\$837,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution to counties to pay for the costs of implementing chapter 176, Laws of 2004, which makes amendments to the special sex offender sentencing alternative.

NEW SECTION. Sec. 708. FOR THE OFFICE OF FINANCIAL MANAGEMENT—SMALL AGENCY INFORMATION TECHNOLOGY POOL

General Fund—State Appropriation (FY 2006) \$500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the data processing revolving account.

NEW SECTION. Sec. 709. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CAPITOL BUILDING CONSTRUCTION ACCOUNT

General Fund—State Appropriation (FY 2006) \$600,000

General Fund—State Appropriation (FY 2007) \$1,000,000

TOTAL APPROPRIATION \$1,600,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for deposit in the capitol building construction account.

NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT—COUNTY PUBLIC HEALTH ASSISTANCE

Health Services Account—State Appropriation \$48,000,000

The appropriation in this section is subject to the following conditions and limitations: The director of the department of community, trade, and economic development shall distribute the appropriations to the following counties and health districts in the amounts designated:

Health District	FY 2006	FY 2007	FY 2005-07 Biennium
Adams County Health District	\$30,951	\$30,951	\$61,902
Asotin County Health District	\$67,714	\$67,714	\$135,428
Benton-Franklin Health District	\$1,165,612	\$1,165,612	\$2,331,224
Chelan-Douglas Health District	\$184,761	\$184,761	\$369,522
Clallam County Health and Human Services Department	\$141,752	\$141,752	\$283,504
Southwest Washington Health District	\$1,084,473	\$1,084,473	\$2,168,946
Columbia County Health District	\$40,529	\$40,529	\$81,058
Cowlitz County Health Department	\$278,560	\$278,560	\$557,120
Garfield County Health District	\$15,028	\$15,028	\$30,056
Grant County Health District	\$118,595	\$118,595	\$237,191
Grays Harbor Health Department	\$183,870	\$183,870	\$367,740
Island County Health Department	\$91,892	\$91,892	\$183,784
Jefferson County Health and Human Services	\$85,782	\$85,782	\$171,564
Seattle-King County Department of Public Health	\$9,531,747	\$9,531,747	\$19,063,494
Bremerton-Kitsap County Health District	\$554,669	\$554,669	\$1,109,338
Kittitas County Health Department	\$92,499	\$92,499	\$184,998
Klickitat County Health Department	\$62,402	\$62,402	\$124,804
Lewis County Health Department	\$105,801	\$105,801	\$211,602
Lincoln County Health Department	\$29,705	\$29,705	\$59,410

Mason County Department of Health Services	\$95,988	\$95,988	\$191,976
Okanogan County Health District	\$63,458	\$63,458	\$126,916
Pacific County Health Department	\$77,427	\$77,427	\$154,854
Tacoma-Pierce County Health Department	\$2,820,590	\$2,820,590	\$5,641,180
San Juan County Health and Community Services	\$37,531	\$37,531	\$75,062
Skagit County Health Department	\$223,927	\$223,927	\$447,854
Snohomish Health District	\$2,258,207	\$2,258,207	\$4,516,414
Spokane County Health District	\$2,101,429	\$2,101,429	\$4,202,858
Northeast Tri-County Health District	\$110,454	\$110,454	\$220,908
Thurston County Health Department	\$600,419	\$600,419	\$1,200,838
Wahkiakum County Health Department	\$13,773	\$13,772	\$27,545
Walla Walla County-City Health Department	\$172,062	\$172,062	\$344,124
Whatcom County Health Department	\$855,863	\$855,863	\$1,711,726
Whitman County Health Department	\$78,733	\$78,733	\$157,466
Yakima Health District	\$623,797	\$623,797	\$1,247,594
TOTAL APPROPRIATIONS	\$24,000,000	\$24,000,000	\$48,000,000

NEW SECTION. Sec. 711. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 712. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—INDIVIDUAL DEVELOPMENT ACCOUNT

General Fund—State Appropriation (FY 2006)	\$510,000
General Fund—State Appropriation (FY 2007)	\$511,000
TOTAL APPROPRIATION	\$1,021,000

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 individual development account. If House Bill No. 1408 is not enacted by June 30, 2005, these amounts shall lapse.

NEW SECTION. Sec. 713. 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, 2005, 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 2006)	\$32,450,000
General Fund—State Appropriation (FY 2007)	\$38,550,000

(a) \$100,000 of the general fund—state appropriations for fiscal year 2006 and \$200,000 of the general fund—state appropriations for fiscal year 2007 are provided solely to implement Substitute House Bill No. 1936 (emergency medical technicians). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(b) \$950,000 of the general fund—state appropriation for fiscal year 2006 and \$950,000 of the general fund—state appropriation for fiscal year 2007 are provided solely for the state contributions required under Substitute Senate Bill No. 5615 (law enforcement officers' and fire fighters' retirement system plan 2 disability benefit). If the bill is not enacted by June 30, 2005, the amounts provided shall lapse.

(2) There is appropriated for contributions to the judicial retirement system:
General Fund—State Appropriation (FY 2006) \$6,000,000
General Fund—State Appropriation (FY 2007) \$6,000,000

(3) There is appropriated for contributions to the judges retirement system:
General Fund—State Appropriation (FY 2006) \$300,000
General Fund—State Appropriation (FY 2007) \$300,000
TOTAL APPROPRIATION \$83,600,000

NEW SECTION. Sec. 714. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund—State Appropriation (FY 2006) \$6,840,000
General Fund—State Appropriation (FY 2007) \$6,840,000
TOTAL APPROPRIATION \$13,680,000

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 education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT—BASE REALIGNMENT AND CLOSURE ASSISTANCE

General Fund—State Appropriation (FY 2006) \$150,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants to support projects in Island county, Kitsap county, Pierce county, Snohomish county, and Spokane county when a military base in that county is at risk of being identified for closure on the federal base realignment and closure process. The office of financial management shall establish a process for selecting projects for funding based on criteria used to determine the federal base realignment and closure list and recommendations by the department of community, trade, and economic development and the military department. Final allocation of the grants shall be at the discretion and with the approval of the director of the office of financial management.

NEW SECTION. Sec. 716. FOR THE GOVERNOR—LIFE SCIENCES DISCOVERY FUND AUTHORITY

General Fund—State Appropriation (FY 2006) \$150,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for a grant to the life sciences discovery fund authority to be used in accordance with Engrossed Second Substitute Senate Bill No. 5581 (life sciences). If the bill is not enacted by June 30, 2005, the appropriation in this section shall lapse.

***NEW SECTION. Sec. 717. DOUBLE-FILLED PERSONNEL POSITIONS.** *From appropriations in this act, the director of financial management shall reduce general fund—state appropriations for fiscal year 2006 by \$1,333,000 and general fund—state appropriations for fiscal year 2007 by \$2,667,000 to reflect the elimination of double-filled personnel positions in which two or more persons occupy the same position in the state personnel system. The allotment reductions shall be placed in unallotted status and remain unexpended.*

*Sec. 717 was vetoed. See message at end of chapter.

***NEW SECTION. Sec. 718. CRITICAL HIGH DEMAND EMPLOYEES.** *From the funds placed in unallotted status under section 717 of this act, the office of financial management may allot up to \$1,333,000 for fiscal year 2006 and \$2,667,000 for fiscal year 2007 to meet critical staffing needs of state agencies, particularly need for employees with high degrees of technical skill in high-demand nonmanagerial occupations. In no event may any of these funds be used, directly or indirectly, to increase employee compensation.*

*Sec. 718 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 719. FOR THE OFFICE OF THE GOVERNOR—JOINT TASK FORCE ON MENTAL HEALTH

General Fund—State Appropriation (FY 2006) \$25,000

General Fund—State Appropriation (FY 2007) \$25,000

TOTAL APPROPRIATION \$50,000

The appropriations in this section are subject to the following conditions and limitations: Amounts are provided for the task force created in House Bill No. 1290 (community mental health). If House Bill No. 1290 is not enacted by June 30, 2005, the amounts provided in this section shall lapse.

NEW SECTION. Sec. 720. STRATEGIC PURCHASING STRATEGY.

(1) The office of financial management shall work with the appropriate state agencies to generate savings of \$50,000,000, of which \$25,000,000 shall be from the state general fund, that can arise from a strategic purchasing strategy. From appropriations in this act, the office of financial management shall reduce general fund—state allotments by \$8 million for fiscal year 2006 and by \$17 million for fiscal year 2007 to reflect the savings from the strategic purchasing strategy. The allotment reductions shall be placed in unallotted status and remain unexpended.

(2) The department of general administration, with the assistance of the department of information services and the department of printing and in consultation with the office of financial management, shall conduct an analysis

of the state's purchasing processes to identify the most reasonable strategy of attaining a statewide savings target of \$50,000,000 without affecting direct program activities. The analysis shall identify savings by agency and fund that will result from the implementation of a strategic purchasing strategy. The results of this analysis shall then be provided to the director of financial management by October 1, 2005, so the director may use it as the basis to achieve the savings identified in subsection (1) of this section.

(3) Before the purchase of goods and services, all state agencies and higher education institutions shall first consider the utilization of current or existing master contracts. All state agencies and higher education institutions shall strive to use master contracts when that use is consistent with the agency's requirements and purchase is financially cost-effective.

NEW SECTION. Sec. 721. WASHINGTON MANAGEMENT SERVICES MIDDLE MANAGEMENT REDUCTION. (1) *Appropriations made in this act assume the reduction of 1,000 middle managers.*

(2) *The office of financial management shall report to the fiscal committees of the legislature on the implementation of reduction no later than June 30, 2006, and again no later than June 30, 2007. The report will include the following information for each position eliminated: (a) Job classification; (b) date the position was eliminated; (c) the amount saved by fund source; (d) whether the employee who previously held the vacated position still works in another position within the agency; and (e) whether the employee who previously held the vacated position still works in any other state agency.*

*Sec. 721 was vetoed. See message at end of chapter.

NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT—EXTRAORDINARY CRIMINAL JUSTICE COSTS

Public Safety and Education Account—State

Appropriation (FY 2006) \$70,000

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 county in the amounts designated for extraordinary criminal justice costs:

Grant \$70,000

NEW SECTION. Sec. 723. FOR THE OFFICE OF FINANCIAL MANAGEMENT—STATE EMERGENCY WATER PROJECTS REVOLVING ACCOUNT

General Fund—State Appropriation (FY 2006) \$725,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for deposit in the state emergency water projects revolving account.

NEW SECTION. Sec. 724. INCENTIVE SAVINGS—FY 2006. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2006, from the total amount of unspent fiscal year 2006 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) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

NEW SECTION. Sec. 725. INCENTIVE SAVINGS—FY 2007. The sum of one hundred million dollars or so much thereof as may be available on June 30, 2007, from the total amount of unspent fiscal year 2007 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) The remainder of the total amount, not to exceed seventy-five million dollars, is appropriated to the education savings account.

NEW SECTION. Sec. 726. NONREPRESENTED EMPLOYEE SALARY SURVEY. For state employees, except those represented by a bargaining unit under the personnel system reform act of 2002, funding is provided within agency appropriations for implementation of the department of personnel's 2002 salary survey, for job classes more than 25% below market rates.

NEW SECTION. Sec. 727. FOR THE OFFICE OF FINANCIAL MANAGEMENT—CONTRIBUTIONS TO RETIREMENT SYSTEMS. Funding is provided within agency appropriations solely for funding agency pension changes as set forth in Substitute House Bill No. 1044 (pension funding methodology).

NEW SECTION. Sec. 728. STATE EMPLOYEE INSURANCE BENEFIT RESERVE. \$20,000,000 in the public employees' and retirees' insurance account shall be held in reserve and may be expended only to the extent that it is required to prevent the average employee share of medical insurance premiums from rising above 12% due to inflation above the assumed rate and shall not be used to expand benefits or to reduce the average employee share of medical insurance premium costs to less than 12%. If additional funds beyond the amount held in reserve by this section are needed, the legislature intends to appropriate additional funds to cover the cost of inflation, up to a maximum of 11%, in order to maintain the average employee share of medical premiums at no more than 12%.

NEW SECTION. Sec. 729. FOR THE OFFICE OF FINANCIAL MANAGEMENT—PENSION CONTRIBUTION ADJUSTMENTS FOR THE PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM

General Fund—State Appropriation (FY 2007)	\$4,400,000
Special Account Retirement Contribution Increase	
Revolving Account Appropriation	(\$3,900,000)
TOTAL APPROPRIATION	\$500,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to make adjustments to agency appropriations to reflect the costs associated with the entry of employees into the public safety employees' retirement system as created by chapter 242, Laws of 2004.

(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 account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	\$6,577,000
General Fund Appropriation for public utility district excise tax distributions	\$45,422,000
General Fund Appropriation for prosecuting attorney distributions	\$3,457,000
General Fund Appropriation for boating safety and education distributions.	\$4,430,000
General Fund Appropriation for other tax distributions	\$38,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$1,969,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution.	\$147,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	\$71,110,000
County Criminal Justice Assistance Appropriation.	\$53,914,000
Municipal Criminal Justice Assistance Appropriation.	\$21,104,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$37,413,000
Liquor Revolving Account Appropriation for liquor profits distribution.	\$76,186,000
City-County Assistance Account Appropriation for local government financial assistance distribution	\$20,100,000
TOTAL APPROPRIATION	\$350,527,000

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.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER—FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation \$1,913,400

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 803. FOR THE STATE TREASURER—FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation \$1,275,600

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2005-07 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 804. FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal grazing fees distribution	\$1,632,000
General Fund Appropriation for federal flood control funds distribution	\$68,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution	\$84,500,000
TOTAL APPROPRIATION	\$86,200,000

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.

***NEW SECTION. Sec. 805. 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.

State Convention and Trade Center Account:

For transfer to the state general fund,
\$5,150,000 for fiscal year 2006 and \$5,150,000
for fiscal year 2007 \$10,300,000

General Fund: For transfer to the tourism
development and promotion account, \$150,000
for fiscal year 2006 and \$150,000 for fiscal
year 2007 \$300,000

Financial Services Regulation Account: For transfer
to the state general fund, \$778,000 for
fiscal year 2006 and \$779,000 for fiscal
year 2007 \$1,557,000

Public Works Assistance Account: For
transfer to the drinking water
assistance account, \$8,400,000 for fiscal
year 2006 \$8,400,000

Tobacco Settlement Account: For transfer
to the health services account, in an
amount not to exceed the actual balance
of the tobacco settlement account \$185,823,000

Health Services Account: For transfer to the
state general fund, \$45,000,000 for fiscal
year 2006 \$45,000,000

Health Services Account: For transfer to the
tobacco prevention and control account \$23,366,000

Health Services Account: For transfer to the
water quality account. \$7,885,000

Health Services Account: For transfer to the
violence reduction and drug enforcement
account. \$6,932,000

Public Employees' and Retirees' Insurance Account:
For transfer to the state general fund,
\$40,000,000 for fiscal year 2006 and
\$45,000,000 for fiscal year 2007 \$85,000,000

Department of Retirement Systems Expense Account:
For transfer to the state general fund,
\$2,000,000 for fiscal year 2006 \$2,000,000

Secretary of State's Revolving Account: For
transfer to the state general fund, \$250,000
for fiscal year 2006 and \$250,000 for
fiscal year 2007 \$500,000

State Treasurer's Service Account: For transfer
to the state general fund, \$5,500,000 for fiscal
year 2006 and \$5,000,000 for fiscal year
2007 \$10,500,000

General Fund: For transfer to the water quality

account, \$318,000 for fiscal year 2006 and \$319,000 for fiscal year 2007	\$637,000
State Toxics Control Account: For transfer to the water quality account.	\$12,500,000
Water Quality Account: For transfer to the water pollution control revolving account.	\$10,534,000
Pollution Liability Insurance Trust Account: For transfer to the state general fund	\$7,500,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed	\$15,000,000
Waste Reduction, Recycling, and Litter Control Account: For transfer to the state general fund, \$1,000,000 for fiscal year 2006 and \$1,000,000 for fiscal year 2007	\$2,000,000
Public Works Assistance Account: For transfer to the public facility construction loan revolving account, \$4,500,000 for fiscal year 2006.	\$4,500,000
Nisqually Earthquake Account: For transfer to the disaster response account, \$3,000,000 for fiscal year 2006	\$3,000,000
Natural Resources Equipment Revolving Fund: For transfer to the state general fund for fiscal year 2006	\$1,000,000
General Fund: For transfer to the violence reduction and drug enforcement account, \$1,500,000 for fiscal year 2006 and \$1,500,000 for fiscal year 2007	\$3,000,000
Education Legacy Trust Account: For transfer to the student achievement account, \$35,541,000 for fiscal year 2006 and \$102,697,000 for fiscal year 2007	\$138,238,000
<i>Tobacco Prevention and Control Account: For transfer to the state general fund, \$13,910,000 for fiscal year 2006</i>	<i>\$13,910,000</i>

*Sec. 805 was partially vetoed. See message at end of chapter.

**NEW SECTION. Sec. 806. 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. The transfers are subject to the enactment of Senate Bill No. 5391
(tricare supplemental insurance), chapter 46, Laws of 2005.

Public Employees' and Retirees' Insurance Account: For transfer to the state general fund, \$5,000,000 for fiscal year 2006 and \$12,000,000 for fiscal year 2007	\$17,000,000
General Fund—State Account: For transfer to the tourism development and promotion	

account, \$150,000 for fiscal year 2006 and	
\$150,000 for fiscal year 2007	\$300,000

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS.

The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2003-05 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS.

Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the

proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 903. BUSINESS CONTINUITY AND DISASTER RECOVERY. State agencies shall comply with the business continuity and disaster recovery policies, guidelines, and statements of direction developed by the department of information services and the information services board in consultation with state agencies. To ensure that agency business continuity and disaster recovery activities identify the primary risks across state agencies, account for dependencies between agencies, capitalize on economies of scale, and avoid unnecessary duplication of costs and efforts, state agencies shall receive the prior approval of the department of information services before implementing business continuity and disaster recovery strategies and expending funds for business continuity activities.

NEW SECTION. Sec. 904. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 905. PROGRAM COST SHIFTS. Any program costs or moneys in this act that are shifted to the general fund from another fund or account require an adjustment to the expenditure limit under RCW 43.135.035(5).

NEW SECTION. Sec. 906. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 907. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 908. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 909. VOLUNTARY SEPARATION INCENTIVES. As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may offer voluntary separation and/or downshifting incentives and options according to procedures and guidelines established by the department of personnel and the department of retirement systems in consultation with the office of financial management. The options may include, but are not limited to, financial incentives for: Voluntary resignation and retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. No employee shall have a contractual right to a financial incentive offered pursuant to this section. Agencies shall report on the outcomes of their plans, and offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems, for reporting to the office of financial management by December 1, 2006.

NEW SECTION. Sec. 910. VOLUNTARY RETIREMENT INCENTIVES. It is the intent of the legislature that agencies may implement a voluntary retirement incentive program that is cost neutral or results in cost savings provided that such a program is approved by the director of retirement systems and the office of financial management. Agencies participating in this authorization are required to submit a report by June 30, 2007, to the legislature and the office of financial management on the outcome of their approved retirement incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the retirement incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2005-07 biennium.

NEW SECTION. Sec. 911. AGENCY EXPENDITURES FOR MOTOR VEHICLES. The use of hybrid motor vehicles reduces air contaminants, greenhouse gas emissions and reliance on imported sources of petroleum. To foster the use of hybrid motor vehicles, beginning July 1, 2005, before the purchase or lease of a motor vehicle, state agencies should first consider the feasibility of hybrid motor vehicles. State agencies should strive to purchase or lease a hybrid motor vehicle when the use of such vehicle is consistent with and can accomplish the agency's mission and when the purchase is financially reasonable. The financial assessment should include savings accruing from reduced fuel purchases over the life of the vehicle. Agencies shall report on their purchases of hybrid vehicles in their biennial sustainability plans as required under executive order 02-03.

**Sec. 912. RCW 28A.160.195 and 2004 c 276 s 904 are each amended to read as follows:*

(1) The superintendent of public instruction, in consultation with the regional transportation coordinators of the educational service districts, shall

establish a minimum number of school bus categories considering the capacity and type of vehicles required by school districts in Washington. The superintendent, in consultation with the regional transportation coordinators of the educational service districts, shall establish competitive specifications for each category of school bus. The categories shall be developed to produce minimum long-range operating costs, including costs of equipment and all costs in operating the vehicles. The categories, for purposes of comparative studies, will be at a minimum the same as those in the beginning of the 1994-95 school year. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts. In fiscal (~~year 2005~~) years 2006 and 2007, the superintendent may solicit and accept price quotes for a rear-engine category school bus that shall be reimbursed at the price of the corresponding front engine category.

(2) After establishing school bus categories and competitive specifications, the superintendent of public instruction shall solicit competitive price quotes from school bus dealers to be in effect for one year and shall (a) except in fiscal (~~year 2005~~) years 2006 and 2007, establish a list of the lowest competitive price quotes obtained under this subsection, and (b) in fiscal (~~year 2005~~) years 2006 and 2007, establish a list of all accepted price quotes in each category obtained under this subsection.

(3) The superintendent shall base the level of reimbursement to school districts and educational service districts for school buses on the lowest quote in each category.

(4) Notwithstanding RCW 28A.335.190, school districts and educational service districts may purchase at the quoted price directly from the dealer who is providing the lowest competitive price quote on the list established under subsection (2) of this section and in fiscal (~~year 2005~~) years 2006 and 2007 from any dealer on the list established under subsection (2)(b) of this section. School districts and educational service districts may make their own selections for school buses, but shall be reimbursed at the rates determined under subsection (3) of this section and RCW 28A.160.200. District-selected options shall not be reimbursed by the state. For the (~~2003-05~~) 2005-2007 fiscal biennium, school districts and educational service districts shall be reimbursed for buses purchased only through a lowest-price competitive bid process conducted pursuant to RCW 28A.335.190 or through the state bid process established by this section.

(5) This section does not prohibit school districts or educational service districts from conducting their own competitive bid process.

(6) The superintendent of public instruction may adopt rules under chapter 34.05 RCW to implement this section.

*Sec. 912 was vetoed. See message at end of chapter.

Sec. 913. RCW 28A.305.210 and 2003 1st sp.s. c 25 s 911 are each amended to read as follows:

(1) The state board of education, by rule or regulation, may require the assistance of educational service district boards and/or superintendents in the performance of any duty, authority, or power imposed upon or granted to the

state board of education by law, upon such terms and conditions as the state board of education shall establish. Such authority to assist the state board of education shall be limited to the service function of information collection and dissemination and the attestation to the accuracy and completeness of submitted information.

(2) During the (~~(2003-05)~~) 2005-2007 biennium, educational service districts may, at the request of the state board of education, receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education postsite visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 914. RCW 28A.500.030 and 2003 1st sp.s. c 25 s 912 are each amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to

(b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to (~~(June 30,)~~) December 31, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

(5) From January 1, 2006, to June 30, 2007, allocations and maximum eligibility under this chapter shall be multiplied by 0.9563.

Sec. 915. RCW 28A.600.110 and 2004 c 275 s 46 are each amended to read as follows:

There is established by the legislature of the state of Washington the Washington state scholars program. The purposes of this program annually are to:

(1) Provide for the selection of three seniors residing in each legislative district in the state graduating from high schools who have distinguished themselves academically among their peers, except that during fiscal year 2007, no more than two seniors plus one alternate may be selected.

(2) Maximize public awareness of the academic achievement, leadership ability, and community contribution of Washington state public and private high school seniors through appropriate recognition ceremonies and events at both the local and state level.

(3) Provide a listing of the Washington scholars to all Washington state public and private colleges and universities to facilitate communication regarding academic programs and scholarship availability.

(4) Make available a state level mechanism for utilization of private funds for scholarship awards to outstanding high school seniors.

(5) Provide, on written request and with student permission, a listing of the Washington scholars to private scholarship selection committees for notification of scholarship availability.

(6) Permit a waiver of tuition and services and activities fees as provided for in RCW 28B.15.543 and grants under RCW 28B.76.660.

Sec. 916. RCW 28A.600.150 and 1999 c 159 s 2 are each amended to read as follows:

Each year, three Washington scholars and one Washington scholars-alternate shall be selected from the students nominated under RCW 28A.600.140, except that during fiscal year 2007, no more than two scholars plus one alternate may be selected. The higher education coordinating board shall notify the students so designated, their high school principals, the legislators of their respective districts, and the governor when final selections have been made.

The board, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the Washington scholars and the Washington scholars-alternates. An awards ceremony at an appropriate time and place shall be planned by the board in cooperation with the Washington association of secondary school principals, and with the approval of the governor.

Sec. 917. RCW 28B.76.660 and 2004 c 275 s 24 are each amended to read as follows:

(1) Recipients of the Washington scholars award or the Washington scholars-alternate award under RCW 28A.600.100 through 28A.600.150 who choose to attend an independent college or university in this state, as defined in subsection (4) of this section, and recipients of the award named after June 30, 1994, who choose to attend a public college or university in the state may receive grants under this section if moneys are available. The higher education coordinating board shall distribute grants to eligible students under this section from moneys appropriated for this purpose. The individual grants shall not exceed, on a yearly basis, the yearly, full-time, resident, undergraduate tuition and service and activities fees in effect at the state-funded research universities. Grants to recipients attending an independent institution shall be contingent upon the institution matching on at least a dollar-for-dollar basis, either with actual money or by a waiver of fees, the amount of the grant received by the student from the state. The higher education coordinating board shall establish procedures, by rule, to disburse the awards as direct grants to the students.

(2) The higher education coordinating board shall establish rules that provide for the annual awarding of grants, if moneys are available, to three Washington scholars per legislative district except for fiscal year 2007 when no more than two scholars per district shall be selected; and, if not used by an original recipient, to the Washington scholars-alternate from the same legislative district.

Beginning with scholars selected in the year 2000, if the recipients of grants fail to demonstrate in a timely manner that they will enroll in a Washington institution of higher education in the fall term of the academic year following the award of the grant or are deemed by the higher education coordinating board to have withdrawn from college during the first academic year following the award, then the grant shall be considered relinquished. The higher education coordinating board may then award any remaining grant amounts to the Washington scholars-alternate from the same legislative district if the grants are awarded within one calendar year of the recipient being named a Washington scholars-alternate. Washington scholars-alternates named as recipients of the grant must also demonstrate in a timely manner that they will enroll in a Washington institution of higher education during the next available term, as determined by the higher education coordinating board. The board may accept appeals and grant waivers to the enrollment requirements of this section based on exceptional mitigating circumstances of individual grant recipients.

To maintain eligibility for the grants, recipients must maintain a minimum grade point average at the college or university equivalent to 3.30. Students shall be eligible to receive a maximum of twelve quarters or eight semesters of grants for undergraduate study and may transfer among in-state public and independent colleges and universities during that period and continue to receive the grant as provided under RCW 28B.76.665. If the student's cumulative grade point average falls below 3.30 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a probationary period until such time as the student's grade point average meets required standards.

(3) No grant shall be awarded to any student who is pursuing a degree in theology.

(4) As used in this section, "independent college or university" means a private, nonprofit educational institution, the main campus of which is permanently situated in the state, open to residents of the state, providing programs of education beyond the high school level leading at least to the baccalaureate degree, and accredited by the northwest association of schools and colleges as of June 9, 1988, and other institutions as may be developed that are approved by the higher education coordinating board as meeting equivalent standards as those institutions accredited under this section.

(5) As used in this section, "public college or university" means an institution of higher education as defined in RCW 28B.10.016.

Sec. 918. RCW 28B.102.040 and 2004 c 276 s 905, 2004 c 275 s 68, and 2004 c 58 s 4 are each reenacted and amended to read as follows:

(1) The board may select participants based on an application process conducted by the board or the board may utilize selection processes for similar students in cooperation with the professional educator standards board or the office of the superintendent of public instruction.

(2) If the board selects participants for the program, it shall establish a selection committee for screening and selecting recipients of the conditional scholarships. The criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, bilingual ability, willingness to commit to providing teaching service in shortage areas, and an ability to act as a role model for

students. Priority will be given to individuals seeking certification or an additional endorsement in math, science, technology, or special education.

~~((Subject to enactment of chapter 58, Laws of 2004,))~~ For fiscal years ~~((2005))~~ 2006 and 2007, additional priority shall be given to such individuals who are also bilingual. It is the intent of the legislature to develop a pool of dual-language teachers in order to meet the challenge of educating students who are dominant in languages other than English.

Sec. 919. RCW 41.05.050 and 2003 c 158 s 1 are each amended to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, school district, educational service district, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the authority. Contributions, paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the authority to pay such administrative expenses of the authority as are necessary to administer the plans for employees of those groups, except as provided in subsection (4) of this section.

(2) If the authority at any time determines that the participation of a county, municipal, or other political subdivision covered under this chapter adversely impacts insurance rates for state employees, the authority shall implement limitations on the participation of additional county, municipal, or other political subdivisions.

(3) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the authority, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose. Insurance and health care contributions for ferry employees shall be governed by RCW 47.64.270.

(4)(a) Beginning September 1, 2003, the authority shall collect from each participating school district and educational service district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and family size as would be charged to state employees, for groups of district employees enrolled in authority plans as of January 1, 2003. However, during the 2005-07 fiscal biennium, the authority shall collect from each participating school district and educational service district an amount equal to the insurance benefit allocations provided in section 504 of this act, plus any additional funding provided by the legislature for school employee health benefits, plus an amount equal to the employee premiums by plan and family size as would be charged to state employees, for groups of district employees enrolled in authority plans as of July 1, 2005.

(b) For all groups of district employees enrolling in authority plans for the first time after September 1, 2003, the authority shall collect from each participating school district an amount equal to the composite rate charged to state agencies, plus an amount equal to the employee premiums by plan and by family size as would be charged to state employees, only if the authority determines that this method of billing the districts will not result in a material difference between revenues from districts and expenditures made by the authority on behalf of districts and their employees.

(c) If the authority determines at any time that the conditions in (b) of this subsection cannot be met, the authority shall offer enrollment to additional groups of district employees on a tiered rate structure until such time as the authority determines there would be no material difference between revenues and expenditures under a composite rate structure for all district employees enrolled in authority plans.

(d) The authority may charge districts a one-time set-up fee for employee groups enrolling in authority plans for the first time.

(e) For the purposes of this subsection:

(i) "District" means school district and educational service district; and

(ii) "Tiered rates" means the amounts the authority must pay to insuring entities by plan and by family size.

(f) Notwithstanding this subsection and RCW 41.05.065(3), the authority may allow districts enrolled on a tiered rate structure prior to September 1, 2002, to continue participation based on the same rate structure and under the same conditions and eligibility criteria.

(5) The authority shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 920. RCW 41.05.065 and 2003 c 158 s 2 are each amended to read as follows:

(1) The board shall study all matters connected with the provision of health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any of, or a combination of, the enumerated types of insurance for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state. However, liability insurance shall not be made available to dependents.

(2) The board shall develop employee benefit plans that include comprehensive health care benefits for all employees. In developing these plans, the board shall consider the following elements:

(a) Methods of maximizing cost containment while ensuring access to quality health care;

(b) Development of provider arrangements that encourage cost containment and ensure access to quality care, including but not limited to prepaid delivery systems and prospective payment methods;

(c) Wellness incentives that focus on proven strategies, such as smoking cessation, injury and accident prevention, reduction of alcohol misuse, appropriate weight reduction, exercise, automobile and motorcycle safety, blood cholesterol reduction, and nutrition education;

(d) Utilization review procedures including, but not limited to a cost-efficient method for prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers;

(e) Effective coordination of benefits;

(f) Minimum standards for insuring entities; and

(g) Minimum scope and content of public employee benefit plans to be offered to enrollees participating in the employee health benefit plans. To

maintain the comprehensive nature of employee health care benefits, employee eligibility criteria related to the number of hours worked and the benefits provided to employees shall be substantially equivalent to the state employees' health benefits plan and eligibility criteria in effect on January 1, 1993. Nothing in this subsection (2)(g) shall prohibit changes or increases in employee point-of-service payments or employee premium payments for benefits.

(3) The board shall design benefits and determine the terms and conditions of employee participation and coverage, including establishment of eligibility criteria. The same terms and conditions of participation and coverage, including eligibility criteria, shall apply to state employees and to school district employees and educational service district employees.

(4) The board may authorize premium contributions for an employee and the employee's dependents in a manner that encourages the use of cost-efficient managed health care systems. During the 2005-2007 fiscal biennium, the board may only authorize premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented by a collective bargaining unit under the personnel system reform act of 2002. The board shall require participating school district and educational service district employees to pay at least the same employee premiums by plan and family size as state employees pay.

(5) Employees shall choose participation in one of the health care benefit plans developed by the board and may be permitted to waive coverage under terms and conditions established by the board.

(6) The board shall review plans proposed by insuring entities that desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by insuring entities holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

(7) Before January 1, 1998, the public employees' benefits board shall make available one or more fully insured long-term care insurance plans that comply with the requirements of chapter 48.84 RCW. Such programs shall be made available to eligible employees, retired employees, and retired school employees as well as eligible dependents which, for the purpose of this section, includes the parents of the employee or retiree and the parents of the spouse of the employee or retiree. Employees of local governments and employees of political subdivisions not otherwise enrolled in the public employees' benefits board sponsored medical programs may enroll under terms and conditions established by the administrator, if it does not jeopardize the financial viability of the public employees' benefits board's long-term care offering.

(a) Participation of eligible employees or retired employees and retired school employees in any long-term care insurance plan made available by the public employees' benefits board is voluntary and shall not be subject to binding arbitration under chapter 41.56 RCW. Participation is subject to reasonable underwriting guidelines and eligibility rules established by the public employees' benefits board and the health care authority.

(b) The employee, retired employee, and retired school employee are solely responsible for the payment of the premium rates developed by the health care

authority. The health care authority is authorized to charge a reasonable administrative fee in addition to the premium charged by the long-term care insurer, which shall include the health care authority's cost of administration, marketing, and consumer education materials prepared by the health care authority and the office of the insurance commissioner.

(c) To the extent administratively possible, the state shall establish an automatic payroll or pension deduction system for the payment of the long-term care insurance premiums.

(d) The public employees' benefits board and the health care authority shall establish a technical advisory committee to provide advice in the development of the benefit design and establishment of underwriting guidelines and eligibility rules. The committee shall also advise the board and authority on effective and cost-effective ways to market and distribute the long-term care product. The technical advisory committee shall be comprised, at a minimum, of representatives of the office of the insurance commissioner, providers of long-term care services, licensed insurance agents with expertise in long-term care insurance, employees, retired employees, retired school employees, and other interested parties determined to be appropriate by the board.

(e) The health care authority shall offer employees, retired employees, and retired school employees the option of purchasing long-term care insurance through licensed agents or brokers appointed by the long-term care insurer. The authority, in consultation with the public employees' benefits board, shall establish marketing procedures and may consider all premium components as a part of the contract negotiations with the long-term care insurer.

(f) In developing the long-term care insurance benefit designs, the public employees' benefits board shall include an alternative plan of care benefit, including adult day services, as approved by the office of the insurance commissioner.

(g) The health care authority, with the cooperation of the office of the insurance commissioner, shall develop a consumer education program for the eligible employees, retired employees, and retired school employees designed to provide education on the potential need for long-term care, methods of financing long-term care, and the availability of long-term care insurance products including the products offered by the board.

(h) By December 1998, the health care authority, in consultation with the public employees' benefits board, shall submit a report to the appropriate committees of the legislature, including an analysis of the marketing and distribution of the long-term care insurance provided under this section.

Sec. 921. RCW 41.05.120 and 1994 c 153 s 9 are each amended to read as follows:

(1) The public employees' and retirees' insurance account is hereby established in the custody of the state treasurer, to be used by the administrator for the deposit of contributions, the remittance paid by school districts and educational service districts (~~under RCW 28A.400.400~~), reserves, dividends, and refunds, and for payment of premiums for employee and retiree insurance benefit contracts and subsidy amounts provided under RCW 41.05.085. Moneys from the account shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the administrator.

(2) The state treasurer and the state investment board may invest moneys in the public employees' and retirees' insurance account. All such investments shall be in accordance with RCW 43.84.080 or 43.84.150, whichever is applicable. The administrator shall determine whether the state treasurer or the state investment board or both shall invest moneys in the public employees' insurance account.

(3) During the 2005-07 fiscal biennium, the legislature may transfer from the public employees' and retirees' insurance account such amounts as reflect the excess fund balance of the fund.

Sec. 922. RCW 41.50.110 and 2003 1st sp.s. c 25 s 914 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(3) shall be paid pursuant to subsection (1) of this section.

(7) During the (~~2003-~~) 2005-2007 fiscal biennium, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 923. RCW 41.50.110 and 2004 c 242 s 46 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, 41.37, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(3) shall be paid pursuant to subsection (1) of this section.

(7) During the (~~(2003-)~~) 2005-2007 fiscal biennium, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 924. RCW 43.07.130 and 1994 c 211 s 1311 are each amended to read as follows:

There is created within the state treasury a revolving fund, to be known as the "secretary of state's revolving fund," which shall be used by the office of the secretary of state to defray the costs of printing, reprinting, or distributing printed matter authorized by law to be issued by the office of the secretary of state, and any other cost of carrying out the functions of the secretary of state under Title 23B RCW, or chapters 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.28, 24.36, 25.15, or 25.10 RCW.

The secretary of state is hereby authorized to charge a fee for such publications in an amount which will compensate for the costs of printing, reprinting, and distributing such printed matter. Fees recovered by the secretary of state under RCW 43.07.120(2), 23B.01.220 (1)(e), (6) and (7), 23B.18.050, 24.03.410, 24.06.455, or 46.64.040, and such other moneys as are expressly designated for deposit in the secretary of state's revolving fund shall be placed in the secretary of state's revolving fund.

During the 2005-2007 fiscal biennium, the legislature may transfer from the secretary of state's revolving fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 925. RCW 43.08.190 and 2003 1st sp.s. c 25 s 916 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW (~~(43.79.040)~~) 43.79A.040 or 43.84.092(4)(b). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

During the (~~(2003-)~~) 2005-2007 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 926. RCW 43.08.250 and 2003 1st sp.s. c 25 s 918 are each amended to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and

education account which is hereby created in the state treasury. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, civil representation of indigent persons, winter recreation parking, drug court operations, and state game programs. During the fiscal biennium ending June 30, (~~2005~~) 2007, the legislature may appropriate moneys from the public safety and education account for purposes of appellate indigent defense and other operations of the office of public defense, the criminal litigation unit of the attorney general's office, the treatment alternatives to street crimes program, crime victims advocacy programs, justice information network telecommunication planning, treatment for supplemental security income clients, sexual assault treatment, operations of the office of administrator for the courts, security in the common schools, alternative school start-up grants, programs for disruptive students, criminal justice data collection, Washington state patrol criminal justice activities, drug court operations, unified family courts, local court backlog assistance, financial assistance to local jurisdictions for extraordinary costs incurred in the adjudication of criminal cases, domestic violence treatment and related services, the department of corrections' costs in implementing chapter 196, Laws of 1999, reimbursement of local governments for costs associated with implementing criminal and civil justice legislation, the replacement of the department of corrections' offender-based tracking system, secure and semi-secure crisis residential centers, HOPE beds, the family policy council and community public health and safety networks, the street youth program, public notification about registered sex offenders, and narcotics or methamphetamine-related enforcement, education, training, and drug and alcohol treatment services.

Sec. 927. RCW 43.10.180 and 2003 1st sp.s. c 25 s 917 are each amended to read as follows:

(1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the (~~2003-05~~) 2005-2007 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management.

Sec. 928. RCW 43.30.305 and 2003 c 334 s 120 are each amended to read as follows:

A revolving fund in the custody of the state treasurer, to be known as the natural resources equipment fund, is hereby created to be expended by the department without appropriation solely for the purchase of equipment, machinery, and supplies for the use of the department and for the payment of the costs of repair and maintenance of such equipment, machinery, and supplies. During the 2005-2007 fiscal biennium the legislature may transfer such amounts as represent the excess balance of the fund to the state general fund.

Sec. 929. RCW 43.43.944 and 2003 1st sp.s. c 25 s 919 are each amended to read as follows:

(1) The fire service training account is hereby established in the state treasury. The fund shall consist of:

- (a) All fees received by the Washington state patrol for fire service training;
- (b) All grants and bequests accepted by the Washington state patrol under RCW 43.43.940; and
- (c) Twenty percent of all moneys received by the state on fire insurance premiums.

(2) Moneys in the account may be appropriated only for fire service training. During the (~~(2003-2005)~~) 2005-2007 fiscal biennium, the legislature may appropriate funds from this account for school fire prevention activities within the Washington state patrol.

Sec. 930. RCW 43.72.900 and 2003 c 259 s 1 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 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~~) 2005-2007 fiscal biennium, the legislature may transfer from the health services account such amounts as reflect the excess fund balance of the account to the state general fund.

Sec. 931. RCW 43.135.045 and 2003 1st sp.s. c 25 s 920 are each amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund—state revenues in excess of the state expenditure limit for that fiscal year. Deposits shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund—state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated. No transfers from the emergency reserve fund to the multimodal fund shall be made during the ((2003-05)) 2005-2007 fiscal biennium.

Sec. 932. RCW 43.320.110 and 2003 1st sp.s. c 25 s 921 and 2003 c 288 s 1 are each reenacted and 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, except as provided in RCW 43.320.115, 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.

During the 2005-2007 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.

Sec. 933. RCW 50.16.010 and 2003 2nd sp.s. c 4 s 23 and 2003 1st sp.s. c 25 s 925 are each reenacted and amended to read as follows:

(1) 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.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) 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;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) 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

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund;

and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) Moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), 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 solely for:

(i) 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.

(ii) 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.

(iii) 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 ~~((2003-2005))~~ 2005-2007 fiscal biennium, the cost of the job skills program ~~((and the alliance for corporate education))~~ at community and technical colleges as appropriated by the legislature.

Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

Sec. 934. RCW 50.20.190 and 2003 2nd sp.s. c 4 s 26 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 the individual's monthly payments either partially or in full. The interest penalty shall be used, first, to fully fund either social security number cross-match audits or other more effective activities that ensure that individuals are entitled to all amounts of benefits that they are paid ((and)), second, to fund other detection and recovery of overpayment and collection activities, and third, during the 2005-07 fiscal biennium, the cost of the job skills program at community and technical colleges as appropriated by the legislature.

Sec. 935. RCW 66.16.010 and 2003 1st sp.s. c 25 s 928 are each amended to read as follows:

(1) There shall be established at such places throughout the state as the liquor control board, constituted under this title, shall deem advisable, stores to be known as "state liquor stores," for the sale of liquor in accordance with the provisions of this title and the regulations: PROVIDED, That the prices of all liquor shall be fixed by the board from time to time so that the net annual

revenue received by the board therefrom shall not exceed thirty-five percent. Effective no later than ~~((September 1, 2003))~~ July 1, 2005, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military, and tribal sales. The intent of this surcharge is to raise ~~(((\$14,000,000 in additional))~~ revenue for the general fund-state ((revenue)) for the 2003-2005 and 2005-2007 bienniums. ~~((To the extent that a lesser surcharge is sufficient to raise \$14,000,000, the board may reduce the amount of the surcharge.))~~ The board shall remove the surcharge ~~((once it generates \$14,000,000, but no later than))~~ June 30, ((2005)) 2007.

(2) The liquor control board may, from time to time, fix the special price at which pure ethyl alcohol may be sold to physicians and dentists and institutions regularly conducted as hospitals, for use or consumption only in such hospitals; and may also fix the special price at which pure ethyl alcohol may be sold to schools, colleges and universities within the state for use for scientific purposes. Regularly conducted hospitals may have right to purchase pure ethyl alcohol on a federal permit.

(3) The liquor control board may also fix the special price at which pure ethyl alcohol may be sold to any department, branch or institution of the state of Washington, federal government, or to any person engaged in a manufacturing or industrial business or in scientific pursuits requiring alcohol for use therein.

(4) The liquor control board may also fix a special price at which pure ethyl alcohol may be sold to any private individual, and shall make regulations governing such sale of alcohol to private individuals as shall promote, as nearly as may be, the minimum purchase of such alcohol by such persons.

Sec. 936. RCW 67.40.040 and 2003 1st sp.s. c 25 s 929 are each amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

- (a) For reimbursement of the state general fund under RCW 67.40.060;
- (b) After appropriation by statute:
 - (i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;
 - (ii) For expenditures authorized in RCW 67.40.170;
 - (iii) For acquisition, design, and construction of the state convention and trade center; and
 - (iv) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended.

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended.

(5) During the ((2003-)) 2005-2007 fiscal biennium, the legislature may transfer from the state convention and trade center account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 937. RCW 69.50.520 and 2004 c 276 s 912 are each 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(9)(a), 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 2003-2005 and 2005-2007 bienniums, 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, funding drug offender treatment services in accordance with RCW 70.96A.350, maintenance and operating costs of the Washington association of sheriffs and police chiefs jail reporting system, maintenance and operating costs of the juvenile rehabilitation administration's client activity tracking system, civil indigent legal representation, multijurisdictional narcotics task forces, transfers to the health services account, and grants to community networks under chapter 70.190 RCW by the family policy council.

Sec. 938. RCW 70.83.040 and 1999 c 76 s 1 are each amended to read as follows:

When notified of positive screening tests, the state department of health shall offer the use of its services and facilities, designed to prevent mental retardation or physical defects in such children, to the attending physician, or the parents of the newborn child if no attending physician can be identified.

The services and facilities of the department, and other state and local agencies cooperating with the department in carrying out programs of detection

and prevention of mental retardation and physical defects shall be made available to the family and physician to the extent required in order to carry out the intent of this chapter and within the availability of funds. The department has the authority to collect a reasonable fee, from the parents or other responsible party of each infant screened to fund specialty clinics that provide treatment services for hemoglobin diseases, phenylketonuria, congenital adrenal hyperplasia, (~~and~~) congenital hypothyroidism, and, during the 2005-07 fiscal biennium, other disorders defined by the board of health under RCW 70.83.020. The fee may be collected through the facility where the screening specimen is obtained.

Sec. 939. RCW 70.93.180 and 1998 c 257 s 5 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the "waste reduction, recycling, and litter control account". Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Fifty percent to the department of ecology, for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for use in litter collection programs, to be distributed under RCW 70.93.220. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide, for the biennial litter survey under RCW 70.93.200(8), and for statewide public awareness programs under RCW 70.93.200(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, and recycling, so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b) Twenty percent to the department for local government funding programs for waste reduction, litter control, and recycling activities by cities and counties under RCW 70.93.250, to be administered by the department of ecology; and

(c) Thirty percent to the department of ecology for waste reduction and recycling efforts.

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70.93.220 for the remainder of the funds, so that the most effective waste reduction, litter control, and recycling programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) During the 2005-2007 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 940. RCW 70.146.030 and 2004 c 277 s 909 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, ((2003)) 2005, to June 30, ((2005)) 2007, 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, for water conveyance projects, 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.

Sec. 941. RCW 70.146.080 and 2003 1st sp.s. c 25 s 935 are each amended to read as follows:

Within thirty days after June 30, 1987, and within thirty days after each succeeding fiscal year thereafter, the state treasurer shall determine the tax receipts deposited into the water quality account for the preceding fiscal year. If the tax receipts deposited into the account in each of the fiscal years 1988 and 1989 are less than forty million dollars, the state treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total receipts in each fiscal year up to forty million dollars.

For the biennium ending June 30, 1991, if the tax receipts deposited into the water quality account and the earnings on investment of balances credited to the account are less than ninety million dollars, the treasurer shall transfer sufficient

moneys from general state revenues into the water quality account to bring the total revenue up to ninety million dollars. The determination and transfer shall be made by July 31, 1991.

For fiscal year 1992 and for fiscal years 1995 and 1996 and thereafter, if the tax receipts deposited into the water quality account for each fiscal year are less than forty-five million dollars, the treasurer shall transfer sufficient moneys from general state revenues into the water quality account to bring the total revenue up to forty-five million dollars. However, during the ~~((2003-05))~~ 2005-2007 fiscal biennium, the legislature may specify the transfer of a different amount in the operating budget bill. Determinations and transfers shall be made by July 31 for the preceding fiscal year.

Sec. 942. RCW 70.148.020 and 1999 c 73 s 1 are each amended to read as follows:

(1) The pollution liability insurance program trust account is established in the custody of the state treasurer. All funds appropriated for this chapter and all premiums collected for reinsurance shall be deposited in the account. Expenditures from the account shall be used exclusively for the purposes of this chapter including payment of costs of administering the pollution liability insurance and underground storage tank community assistance programs. Expenditures for payment of administrative and operating costs of the agency are subject to the allotment procedures under chapter 43.88 RCW and may be made only after appropriation by statute. No appropriation is required for other expenditures from the account.

(2) Each calendar quarter, the director shall report to the insurance commissioner the loss and surplus reserves required for the calendar quarter. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter.

(3) Each calendar quarter the director shall determine the amount of reserves necessary to fund commitments made to provide financial assistance under RCW 70.148.130 to the extent that the financial assistance reserves do not jeopardize the operations and liabilities of the pollution liability insurance program. The director shall notify the department of revenue of this amount by the fifteenth day of each calendar quarter. The director may immediately establish an initial financial assistance reserve of five million dollars from available revenues. The director may not expend more than fifteen million dollars for the financial assistance program.

(4) During the 2005-2007 fiscal biennium, the legislature may transfer from the pollution liability insurance program trust account to the state general fund such amounts as reflect the excess fund balance of the account.

(5) This section expires June 1, ~~((2001-2007))~~ 2007.

Sec. 943. RCW 72.11.040 and 2003 1st sp.s. c 25 s 936 are each amended to read as follows:

The cost of supervision fund is created in the custody of the state treasurer. All receipts from assessments made under RCW 9.94A.780 and 72.04A.120 shall be deposited into the fund. Expenditures from the fund may be used only to support the collection of legal financial obligations. During the ~~((2003-2005))~~ 2005-2007 biennium, funds from the account may also be used for costs associated with the department's supervision of the offenders in the community.

Only the secretary of the department of corrections or the secretary's designee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

Sec. 944. RCW 74.46.431 and 2004 c 276 s 913 are each amended to read as follows:

(1) Effective July 1, 1999, nursing facility medicaid payment rate allocations shall be facility-specific and shall have seven components: Direct care, therapy care, support services, operations, property, financing allowance, and variable return. The department shall establish and adjust each of these components, as provided in this section and elsewhere in this chapter, for each medicaid nursing facility in this state.

(2) All component rate allocations for essential community providers as defined in this chapter shall be based upon a minimum facility occupancy of eighty-five percent of licensed beds, regardless of how many beds are set up or in use. For all facilities other than essential community providers, effective July 1, 2001, component rate allocations in direct care, therapy care, support services, variable return, operations, property, and financing allowance shall continue to be based upon a minimum facility occupancy of eighty-five percent of licensed beds. For all facilities other than essential community providers, effective July 1, 2002, the component rate allocations in operations, property, and financing allowance shall be based upon a minimum facility occupancy of ninety percent of licensed beds, regardless of how many beds are set up or in use.

(3) Information and data sources used in determining medicaid payment rate allocations, including formulas, procedures, cost report periods, resident assessment instrument formats, resident assessment methodologies, and resident classification and case mix weighting methodologies, may be substituted or altered from time to time as determined by the department.

(4)(a) Direct care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 will be used for October 1, 1998, through June 30, 2001, direct care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2005, direct care component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, and later direct care component rate allocations.

(b) Direct care component rate allocations based on 1996 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(c) Direct care component rate allocations based on 1999 cost report data shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act. A different economic trends and conditions adjustment factor or factors may be defined in the biennial appropriations act for facilities whose direct care component rate is set equal to their adjusted June 30, 1998, rate, as provided in RCW 74.46.506(5)(i).

(5)(a) Therapy care component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data

from 1996 will be used for October 1, 1998, through June 30, 2001, therapy care component rate allocations; adjusted cost report data from 1999 will be used for July 1, 2001, through June 30, 2005, therapy care component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, and later therapy care component rate allocations.

(b) Therapy care component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(6)(a) Support services component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, support services component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2005, support services component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, and later support services component rate allocations.

(b) Support services component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(7)(a) Operations component rate allocations shall be established using adjusted cost report data covering at least six months. Adjusted cost report data from 1996 shall be used for October 1, 1998, through June 30, 2001, operations component rate allocations; adjusted cost report data from 1999 shall be used for July 1, 2001, through June 30, 2005, operations component rate allocations. Adjusted cost report data from 1999 will continue to be used for July 1, 2005, and later operations component rate allocations.

(b) Operations component rate allocations shall be adjusted annually for economic trends and conditions by a factor or factors defined in the biennial appropriations act.

(8) For July 1, 1998, through September 30, 1998, a facility's property and return on investment component rates shall be the facility's June 30, 1998, property and return on investment component rates, without increase. For October 1, 1998, through June 30, 1999, a facility's property and return on investment component rates shall be rebased utilizing 1997 adjusted cost report data covering at least six months of data.

(9) Total payment rates under the nursing facility medicaid payment system shall not exceed facility rates charged to the general public for comparable services.

(10) Medicaid contractors shall pay to all facility staff a minimum wage of the greater of the state minimum wage or the federal minimum wage.

(11) The department shall establish in rule procedures, principles, and conditions for determining component rate allocations for facilities in circumstances not directly addressed by this chapter, including but not limited to: The need to prorate inflation for partial-period cost report data, newly constructed facilities, existing facilities entering the medicaid program for the first time or after a period of absence from the program, existing facilities with expanded new bed capacity, existing medicaid facilities following a change of ownership of the nursing facility business, facilities banking beds or converting beds back into service, facilities temporarily reducing the number of set-up beds

during a remodel, facilities having less than six months of either resident assessment, cost report data, or both, under the current contractor prior to rate setting, and other circumstances.

(12) The department shall establish in rule procedures, principles, and conditions, including necessary threshold costs, for adjusting rates to reflect capital improvements or new requirements imposed by the department or the federal government. Any such rate adjustments are subject to the provisions of RCW 74.46.421.

(13) Effective July 1, 2001, medicaid rates shall continue to be revised downward in all components, in accordance with department rules, for facilities converting banked beds to active service under chapter 70.38 RCW, by using the facility's increased licensed bed capacity to recalculate minimum occupancy for rate setting. However, for facilities other than essential community providers which bank beds under chapter 70.38 RCW, after May 25, 2001, medicaid rates shall be revised upward, in accordance with department rules, in direct care, therapy care, support services, and variable return components only, by using the facility's decreased licensed bed capacity to recalculate minimum occupancy for rate setting, but no upward revision shall be made to operations, property, or financing allowance component rates.

(14) Facilities obtaining a certificate of need or a certificate of need exemption under chapter 70.38 RCW after June 30, 2001, must have a certificate of capital authorization in order for (a) the depreciation resulting from the capitalized addition to be included in calculation of the facility's property component rate allocation; and (b) the net invested funds associated with the capitalized addition to be included in calculation of the facility's financing allowance rate allocation.

Sec. 945. RCW 79.64.040 and 2004 c 199 s 227 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights of way issued by the department and affecting state lands and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall ~~((in no event))~~ not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the 2005-2007 fiscal biennium, the twenty-five percent limitation on deductions set in subsection (3) of this section may be increased to thirty percent by the board. If so increased, the department must provide a report by January 9, 2006 to the appropriate committees of the legislature on the use of the increased amount.

Sec. 946. RCW 79.90.245 and 2004 c 276 s 914 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, ~~((2005))~~ 2007, the funds may be appropriated for boating safety, settlement costs for aquatic lands cleanup, and shellfish management, enforcement, and enhancement and assistance to local governments for septic system surveys and data bases.

Sec. 947. RCW 86.26.007 and 2003 1st sp.s. c 25 s 943 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the ~~((1997-99 fiscal biennium and each))~~ 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter the state treasurer shall transfer four million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter. ~~((During the 2003-2005 fiscal biennium, the legislature may transfer from the flood control assistance account to the state general fund such amounts as reflect the excess fund balance of the account.))~~

NEW SECTION. **Sec. 948. COMPENSATION—INSURANCE BENEFITS.** The appropriations for state agencies, including institutions of higher education 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 \$663.00 per eligible employee for fiscal year 2006. For fiscal

year 2007 the monthly employer funding rate shall not exceed \$744.00 per eligible employee represented by a collective bargaining unit under the personnel system reform act of 2002, or \$618.00 per eligible nonrepresented employee.

(b) 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.

(c) 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) 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 medicare, pursuant to RCW 41.05.085. From January 1, 2006, through December 31, 2006, the subsidy shall be \$131.87. Starting January 1, 2007, the subsidy shall be \$149.67 per month.

(3) 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, \$48.42 per month beginning September 1, 2005, and \$55.73 beginning September 1, 2006;

(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, \$48.42 each month beginning September 1, 2005, and \$55.73 beginning September 1, 2006, 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.

NEW SECTION. Sec. 949. NONREPRESENTED EMPLOYEE COMPENSATION. The appropriations for nonrepresented employee compensation adjustments are provided solely for:

(1) Salary Cost of Living Adjustments.

(a) Appropriations are provided for a 3.2% salary increase effective September 1, 2005, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable. However, community and technical colleges shall increase salaries of all classified staff not

covered by Initiative Measure No. 732 or by a collective bargaining agreement under the personnel system reform act of 2002 by 3.2% of pay effective September 1, 2005. Community and technical colleges shall provide to exempt professional staff an average salary increase of 3.2% of pay beginning September 1, 2005. The appropriations are also sufficient to fund for the four-year higher education institutions an average salary increase of 3.2% effective September 1, 2005, for faculty, exempt administrative and professional staff, graduate assistants, and other nonclassified staff. Funds provided in this section may not be used for any other purpose by institutions of higher education, including for other pay increases.

The appropriations are also sufficient to fund a 3.2% salary increase effective September 1, 2005, 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.

(b) Appropriations are provided for a 1.6% salary increase effective September 1, 2006, until June 30, 2007, for all classified employees, except those represented by a collective bargaining unit under the personnel system reform act of 2002, and except the certificated employees of the state schools for the deaf and blind and employees of community and technical colleges covered by the provisions of Initiative Measure No. 732. Also included are employees in the Washington management service, and exempt employees under the jurisdiction of the personnel resources board or the director of personnel, as applicable. However, community and technical colleges shall increase salaries of all classified and instructional staff not covered by Initiative Measure No. 732 or by a collective bargaining agreement under the personnel system reform act of 2002 by 1.6% of pay effective September 1, 2006, until June 30, 2007. Community and technical colleges shall provide to exempt professional staff an average salary increase of 1.6% of pay, beginning September 1, 2006, until June 30, 2007. The appropriations are also sufficient to fund for the four-year higher education institutions an average salary increase of 1.6% effective September 1, 2006, for faculty, exempt administrative and professional staff, graduate assistants, and other nonclassified staff. Funds provided in this section may not be used for any other purpose by institutions of higher education, including for other pay increases. The appropriations are also sufficient to fund a 1.6% salary increase effective September 1, 2006, until June 30, 2007, 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.

(2) Salary Survey.

For state employees, except those represented by a bargaining unit under the personnel system reform act of 2002, funding is provided for implementation of the department of personnel's 2002 salary survey, for job classes more than 25% below market rates.

NEW SECTION. Sec. 950. CLASSIFICATION REVISIONS. Funding is provided for partial implementation of classification consolidation and revisions under the personnel system reform act of 2002. Groups 2 and 3 of the department of personnel's initial class consolidation plan are affected.

NEW SECTION. Sec. 951. COLLECTIVE BARGAINING AGREEMENTS. Provisions of collective bargaining agreements contained in sections 948 and 950 through 980 of this act are described in general terms. Only major economic terms are included in the descriptions. These descriptions do not contain the complete contents of the agreements. Extraordinary challenges were presented to employers and employees in negotiating the initial collective bargaining agreements under the Personnel Services Reform Act of 2002. Several agreements not concluded by the October 1st statutory deadline are described in the following sections and funded within the respective agencies. The legislature does not intend to fund bargaining agreements concluded after the October 1st deadline in future biennia.

NEW SECTION. Sec. 952. COLLECTIVE BARGAINING AGREEMENT—WFSE. Funding is provided for the collective bargaining agreement reached between the governor and the Washington federation of state employees under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 953. COLLECTIVE BARGAINING AGREEMENT—WPEA. Funding is provided for the collective bargaining agreement reached between the governor and the Washington public employees association under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 954. COLLECTIVE BARGAINING AGREEMENT—UFCW. Funding is provided for the collective bargaining agreement reached between the governor and the united food and commercial workers under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006 until June 30, 2007.

NEW SECTION. Sec. 955. COLLECTIVE BARGAINING AGREEMENT—TEAMSTERS. Funding is provided for the collective bargaining agreement reached between the governor and the brotherhood of teamsters under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 2.9% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 956. COLLECTIVE BARGAINING—COALITION. Funding is provided for the collective bargaining agreement reached between the governor and the coalition under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for

implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 957. COLLECTIVE BARGAINING—IFPTE. Funding is provided for the collective bargaining agreement reached between the governor and the international federation of professional and technical engineers local 17 under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 958. COLLECTIVE BARGAINING AGREEMENT—SEIU 1199. Funding is provided for the collective bargaining agreement reached between the governor and the service employees international union, local 1199 NW under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for negotiated changes to the "N" range salary schedule.

NEW SECTION. Sec. 959. COLLECTIVE BARGAINING AGREEMENT—WFSE HIGHER EDUCATION. Funding is provided for the collective bargaining agreement reached between the governor and the Washington federation of state employees in higher education under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 960. COLLECTIVE BARGAINING AGREEMENT—WPEA HIGHER EDUCATION. Funding is provided for the collective bargaining agreement reached between the governor and the Washington public employees association in higher education under the personnel system reform act of 2002. For employees covered under this agreement, funding is provided for a 3.2% salary increase effective July 1, 2005. Funding is also provided for a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 961. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY, WFSE BU A. Budget amounts reflect the collective bargaining agreement reached between the Western Washington University and the Washington federation of state employees bargaining unit A under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, until June 30, 2007, and implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 962. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY, WFSE BU B. Budget amounts reflect the collective bargaining agreement reached between the Western Washington University and the Washington federation of state employees bargaining unit B under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, until June 30, 2007, and implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 963. COLLECTIVE BARGAINING AGREEMENT—WPEA/PROFESSIONAL LOCAL 365 UNIT C—WESTERN WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between the Western Washington University and the Washington Public Employees Association bargaining unit C under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 964. COLLECTIVE BARGAINING AGREEMENT—WESTERN WASHINGTON UNIVERSITY, WFSE BU E. Budget amounts reflect the collective bargaining agreement reached between the Western Washington University and the Washington federation of state employees bargaining unit E under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, and a 1.6% increase effective July 1, 2006, until June 30, 2007.

NEW SECTION. Sec. 965. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY, WSU POLICE GUILD. Budget amounts reflect the collective bargaining agreement reached between Washington State University and the Washington State University police guild bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, and a 2.9% lump sum payment effective July 1, 2006.

NEW SECTION. Sec. 966. COLLECTIVE BARGAINING AGREEMENT—WASHINGTON STATE UNIVERSITY, WFSE BU 1 AND 11. Budget amounts reflect the collective bargaining agreement reached between Washington State University and the Washington federation of state employees bargaining unit 1—research and extension units west of the Cascades, bargaining unit 5—library and bargaining unit 11—intercollegiate college of nursing under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 2% lump sum payment effective July 1, 2006.

NEW SECTION. Sec. 967. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON, SEIU 925. Budget amounts reflect the collective bargaining agreements reached between the

University of Washington and the service employees international union university-wide nonsupervisory, university-wide supervisory, research technologist, research technologist supervisor, and medical/laboratory technologist bargaining units under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, until June 30, 2007, implementation of a University of Washington salary survey, and adjustment to the salary grid.

NEW SECTION. Sec. 968. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON, WFSE. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the Washington federation of state employees campus-wide, library, custodial supervisor, Harborview medical center, and Harborview medical center public safety officers bargaining units under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, until June 30, 2007, and implementation of a University of Washington salary survey.

NEW SECTION. Sec. 969. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON, WFSE, SKILLED TRADES. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the Washington federation of state employees, skilled trades bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a \$1.00 per hour increase effective July 1, 2005, an increase in shift differential pay, and an adjustment to the grid.

NEW SECTION. Sec. 970. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON SEIU LOCAL 1199 NW PROFESSIONAL AND TECHNICAL. Budget amounts reflect the collective bargaining agreement reached between the University of Washington and the service employee international union Harborview medical center professional and technical bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 1.5% salary increase effective January 1, 2006, a 1.5% salary increase effective January 1, 2007, an adjustment to the salary grid, and changes in premium pay.

NEW SECTION. Sec. 971. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON SEIU LOCAL 1199 NW NURSES. Budget amounts reflect the collective bargaining agreement reached between the University of Washington and the service employee international union Harborview medical center registered nurse bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 2.0% salary increase effective July 1, 2005, a 2.0% salary increase effective July 1, 2006, a 2.0% salary increase effective January 1, 2007, an adjustment to the salary grid, and changes in premium pay.

NEW SECTION. Sec. 972. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON SEIU LOCAL 1199 NW SOCIAL WORK. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the service

employee international union Harborview medical center social work and health care specialist bargaining units under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 2.0% salary increase effective July 1, 2005, a 2.0% salary increase effective July 1, 2006, a 1.0% salary increase effective January 1, 2007, an adjustment to the salary grid, and changes in premium pay.

NEW SECTION. Sec. 973. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON POLICE OFFICERS ASSOCIATION. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the University of Washington police officers association bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, a 1.6% increase effective July 1, 2006, and longevity pay increases.

NEW SECTION. Sec. 974. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON WFSE UW POLICE MANAGEMENT. Budget amounts reflect the collective bargaining agreements reached between the University of Washington and the Washington federation of state employees police management bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005, and a 15% supervisory differential effective July 1, 2006.

NEW SECTION. Sec. 975. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON WASHINGTON STATE NURSES ASSOCIATION. Budget amounts reflect the collective bargaining agreement reached between the University of Washington and the Washington state nurses association university medical center registered nurses bargaining unit under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 2.0% salary increase effective July 1, 2005, a 2.0% salary increase effective July 1, 2006, a 2.0% salary increase effective January 1, 2007, an adjustment to the salary grid, and changes in premium pay.

NEW SECTION. Sec. 976. COLLECTIVE BARGAINING AGREEMENT—UNIVERSITY OF WASHINGTON INLAND BOATMEN'S UNION. Budget amounts reflect the collective bargaining agreement reached between the University of Washington and the inland boatmen's union of the Pacific Thompson research vessel crew bargaining unit under the personnel system return act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2006, and a 1.6% salary increase effective July 1, 2006, until June 30, 2007.

NEW SECTION. Sec. 977. COLLECTIVE BARGAINING AGREEMENT—WFSE UNIT 2 EASTERN WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between Eastern Washington University and the Washington federation of state employees bargaining unit 2 under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 1.6% salary increase effective July 1, 2006, until June 30, 2007, and for a \$500 lump-sum

payment to full-time employees, and pro-rated for part-time employees, effective July 1, 2005.

NEW SECTION. Sec. 978. COLLECTIVE BARGAINING AGREEMENT—WFSE UNIT 1 EASTERN WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between Eastern Washington University and the Washington federation of state employees bargaining unit 1 under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a \$500 lump-sum payment to full-time employees, and pro-rated for part-time employees, effective July 1, 2005, and a lump sum payment of 1.6% of annual salary effective July 1, 2006.

NEW SECTION. Sec. 979. COLLECTIVE BARGAINING AGREEMENT—WFSE UNIT 2 CENTRAL WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between Central Washington University and the Washington federation of state employees bargaining unit 2 under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

NEW SECTION. Sec. 980. COLLECTIVE BARGAINING AGREEMENT—WFSE UNIT 1 CENTRAL WASHINGTON UNIVERSITY. Budget amounts reflect the collective bargaining agreement reached between Central Washington University and the Washington federation of state employees bargaining unit 1 under the personnel system reform act of 2002. For employees covered under this agreement, provisions include a 3.2% salary increase effective July 1, 2005. Provisions also include a 1.6% increase effective July 1, 2006, until June 30, 2007, and for implementation of the department of personnel 2002 salary survey for classes more than 25% below market rates.

**PART X
GENERAL GOVERNMENT**

Sec. 1001. 2004 c 276 s 106 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund—State Appropriation (FY 2004)	\$2,049,000
General Fund—State Appropriation (FY 2005)	(((\$2,050,000))
	<u>\$2,089,000</u>
TOTAL APPROPRIATION	(((\$4,099,000))
	<u>\$4,138,000</u>

Sec. 1002. 2004 c 276 s 107 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund—State Appropriation (FY 2004)	\$1,523,000
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General Fund—State Appropriation (FY 2005)	(\$12,931,000)
	<u>\$12,986,000</u>
TOTAL APPROPRIATION	(\$25,454,000)
	<u>\$25,509,000</u>

Sec. 1003. 2004 c 276 s 108 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund—State Appropriation (FY 2004)	\$17,374,000
General Fund—State Appropriation (FY 2005)	(\$18,036,000)
	<u>\$17,998,000</u>

Public Safety and Education Account—State Appropriation	(\$43,534,000)
	<u>\$43,588,000</u>

Judicial Information Systems Account—State Appropriation	\$31,803,000
TOTAL APPROPRIATION	(\$110,747,000)
	<u>\$110,763,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) 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) \$750,000 of the general fund—state appropriation for fiscal year 2004 and \$750,000 of the general fund—state appropriation for fiscal year 2005 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.

(3) \$16,172,000 of the judicial information systems account—state appropriation is provided solely for improvements and enhancements to the judicial information system. Of this amount, \$1,100,000 is provided solely for disaster recovery planning, equipment, and testing for the judicial information system.

(4) \$3,000,000 of the public safety and education account—state appropriation is provided solely for school district petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the office of the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed.

(5) \$13,224,000 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. The office of the administrator for the courts shall not retain any portion of these funds to cover administrative costs. The office of the administrator for the courts, 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.

(6) The distributions made under subsection (6) of this section 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.

(7) Each fiscal year during the 2003-05 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(8) \$813,000 of the general fund—state appropriation for fiscal year 2004 and \$762,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for billing and related costs for the office of the administrator for the courts pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders).

(9) \$1,800,000 of the public safety and education account appropriation is provided solely for distribution to the county clerks for the collection of legal financial obligations pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders). The funding shall be distributed by the office of the administrator for the courts to the county clerks in accordance with the funding formula determined by the Washington association of county officials pursuant to Engrossed Substitute Senate Bill No. 5990 (supervision of offenders).

Sec. 1004. 2004 c 276 s 110 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund—State Appropriation (FY 2004)	\$3,773,000
General Fund—State Appropriation (FY 2005)	(\$4,011,000)
	<u>\$4,183,000</u>
General Fund—Federal Appropriation	\$1,140,000
Water Quality Account—State Appropriation	\$3,854,000
TOTAL APPROPRIATION	(\$12,778,000)
	<u>\$12,950,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$3,854,000 of the water quality account appropriation and \$1,140,000 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.

Sec. 1005. 2004 c 276 s 111 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund—State Appropriation (FY 2004)	\$24,336,000
General Fund—State Appropriation (FY 2005)	(\$17,092,000)
	<u>\$18,946,000</u>
General Fund—Federal Appropriation	\$6,967,000
Archives and Records Management Account—State Appropriation	(\$8,414,000)
	<u>\$8,460,000</u>
Department of Personnel Service Account—State Appropriation	\$699,000
Election Account—State Appropriation	\$3,140,000
Election Account—Federal Appropriation	\$33,121,000
Local Government Archives Account—State Appropriation	\$9,010,000
TOTAL APPROPRIATION	(\$96,741,000)
	<u>\$104,679,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,296,000 of the general fund—state appropriation for fiscal year 2004 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) \$1,826,000 of the general fund—state appropriation for fiscal year 2004 and \$2,686,000 of the general fund—state appropriation for fiscal year 2005 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 2004 and \$118,000 of the general fund—state appropriation for fiscal year 2005 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 2004 and \$1,986,772 of the general fund—state appropriation for fiscal year 2005 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 2003-05 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. 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) \$252,000 of the archives and records management account—state appropriation and \$1,504,000 of the local government archives account—state appropriation are provided solely for additional facility capital costs, digital archive technology architecture costs, and additional digital archive staff and operational costs, associated with the new eastern regional archives and digital archives facility.

(6) The entire election account—state appropriation in this section is provided solely as state match funding for federal moneys provided under the Help America Vote act (P.L. 107-252). Of the state match funding provided, the secretary of state may expend only the amount required to match the federal funding received, and any amount that is not necessary to match the federal funding shall lapse. After receipt of the federal moneys, the office of the secretary of state shall notify the appropriations committee of the house of representatives and the ways and means committee of the senate of the amount of federal funding received and the associated required state match.

(7) \$953,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for attorneys' fees and costs associated with litigation regarding the blanket primary, including costs already awarded by the U.S. Court of Appeals for the Ninth Circuit.

(8) \$451,000 of the general fund—state appropriation for fiscal year 2005 is provided solely to reimburse counties for fifty percent of the costs of the manual recount in the 2004 gubernatorial election.

Sec. 1006. 2004 c 276 s 115 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund—State Appropriation (FY 2004)	\$4,345,000
General Fund—State Appropriation (FY 2005)	(\$4,166,000)
	<u>\$4,518,000</u>
General Fund—Federal Appropriation	\$2,845,000
Public Safety and Education Account—State Appropriation	\$2,001,000
Tobacco Prevention and Control Account—State Appropriation	\$270,000
New Motor Vehicle Arbitration Account—State Appropriation	\$1,180,000

Legal Services Revolving Account—State	
Appropriation.....	..((\$166,624,000))
	<u>\$170,746,000</u>
TOTAL APPROPRIATION .....	..((\$181,431,000))
	<u>\$185,905,000</u>

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) 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.

(3) \$818,000 of the legal services revolving account—state appropriation is provided solely for legal defense costs associated with *Pacific Sound Resources v. Burlington Northern Santa Fe Railroad et al.*

(4) \$70,000 of the legal services revolving account—state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 6489 (corrected industries). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 1007. 2004 c 276 s 117 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund—State Appropriation (FY 2004).....	\$61,805,000
General Fund—State Appropriation (FY 2005).....	..((\$66,566,000))
	<u>\$66,760,000</u>
General Fund—Federal Appropriation.....	\$236,264,000
General Fund—Private/Local Appropriation	\$15,075,000
Public Safety and Education Account—State	
Appropriation.....	\$10,095,000
Public Works Assistance Account—State	
Appropriation.....	\$2,088,000
Building Code Council Account—State	
Appropriation.....	\$1,061,000
Administrative Contingency Account—State	
Appropriation.....	\$1,776,000
Low-Income Weatherization Assistance Account—State	
Appropriation.....	\$8,293,000
Violence Reduction and Drug Enforcement Account—	
State Appropriation	\$9,013,000
Manufactured Home Installation Training Account—	
State Appropriation	\$256,000
Community Economic Development Account—	
State Appropriation	\$1,581,000
Washington Housing Trust Account—State	

Appropriation	\$(16,740,000))
	<u>\$17,415,000</u>
Public Facility Construction Loan Revolving	
Account—State Appropriation	\$622,000
Lead Paint Account—State Appropriation	\$6,000
Developmental Disabilities Endowment Trust Fund—	
State Appropriation	\$120,000
Homeless Families Services Fund—State	
Appropriation	\$150,000
TOTAL APPROPRIATION	((\$431,511,000))
	<u>\$432,380,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund—state appropriation for fiscal year 2004 and \$2,838,000 of the general fund—state appropriation for fiscal year 2005 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.

(2) \$61,000 of the general fund—state appropriation for fiscal year 2004 and \$62,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item OCD-01.

(3) \$10,180,797 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 2004 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) \$60,000 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(j) \$89,705 to the department to continue the governor's council on substance abuse;

(k) \$97,591 to the department to continue evaluation of Byrne formula grant programs;

(l) \$572,919 to the office of financial management for criminal history records improvement; and

(m) \$804,228 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.

(4) \$125,000 of the general fund—state appropriation for fiscal year 2004 and \$125,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for implementing the industries of the future strategy.

(5) \$200,000 of the general fund—state appropriation for fiscal year 2004 and \$200,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for a contract with the Washington manufacturing services.

(6) \$205,000 of the general fund—state appropriation for fiscal year 2004 and \$205,000 of the general fund—state appropriation for fiscal year 2005 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.

(7) \$50,000 of the general fund—state appropriation for fiscal year 2004 and \$50,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for a contract with international trade alliance of Spokane.

(8) \$5,085,000 of the general fund—state appropriation for fiscal year 2004, \$5,085,000 of the general fund—state appropriation for fiscal year 2005, \$4,250,000 of the general fund—federal appropriation, and \$6,145,000 of the Washington housing trust account are provided solely for providing housing and shelter for homeless people, including but not limited to grants to operate, repair, and staff shelters; grants to operate transitional housing; partial payments for rental assistance; consolidated emergency assistance; overnight youth shelters; and emergency shelter assistance.

(9) \$369,000 of the community economic development account appropriation and \$120,000 of the developmental disabilities endowment trust fund appropriation are provided solely for support of the developmental disabilities endowment governing board and costs of the endowment program. The governing board may use appropriations to implement a sliding-scale fee waiver for families earning below 150 percent of the state median family income.

(10) \$800,000 of the general fund—federal appropriation and \$6,000 of the lead paint account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5586 (lead-based paint). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(11) \$125,000 of the general fund—state appropriation for fiscal year 2004 and \$475,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the business retention and expansion program to fund contracts with locally based development organizations for local business and job retention activities. In administering new and existing funding for the business retention and expansion program, the department shall ensure the existing local programs are funded at levels that meet or exceed the funding provided in the 2001-2003 biennium.

(12) \$200,000 of the general fund—state appropriation for fiscal year 2004 and \$200,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the tourism office to market Washington state as a travel destination to northwest states, California, and British Columbia. By December 1, 2004, the department shall report to the relevant legislative policy and fiscal committees on the effectiveness of these expenditures.

(13) \$200,000 of the general fund—state appropriation for fiscal year 2004 and \$200,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for business development activities to conduct statewide and/or regional business recruitment and client lead generation services. In administering this funding, the department shall solicit recommendations from a statewide economic development organization representing associate development organizations.

(14) \$60,000 of the general fund—state appropriation for fiscal year 2004 and \$60,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the community services block grant program for pass-through to community action agencies.

(15) \$26,862,000 of the general fund—state appropriation for fiscal year 2004 and \$26,862,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for providing early childhood education assistance.

(16) Within the amounts appropriated in this section, funding is provided for Washington state dues for the Pacific northwest economic region.

(17) \$200,000 of the general fund—state appropriation for fiscal year 2004 and \$200,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the foreign offices (overseas representatives) to expand local capacity for China, expand operations in Shanghai, Beijing and Hong Kong, and in Mexico to assist Washington exporters in expanding their sales opportunities.

(18) \$600,000 of the public safety and education account appropriation is provided solely for sexual assault prevention and treatment programs.

(19) \$65,000 of the general fund—state appropriation for fiscal year 2004 and \$65,000 of the general fund—state appropriation for fiscal year 2005 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) 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.

(21) Within amounts provided in this section, sufficient funding is provided to implement Engrossed House Bill No. 1090 (trafficking of persons).

(22) \$10,208,818 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 2005 as follows:

(a) \$3,533,522 to local units of government to continue multijurisdictional narcotics task forces;

(b) \$608,002 to the department to continue the drug prosecution assistance program in support of multijurisdictional narcotics task forces;

(c) \$1,336,624 to the Washington state patrol for coordination, investigative, and supervisory support to the multijurisdictional narcotics task forces and for methamphetamine education and response;

(d) \$196,130 to the department for grants to support tribal law enforcement needs;

(e) \$971,823 to the department of social and health services, division of alcohol and substance abuse, for drug courts in eastern and western Washington;

(f) \$296,697 to the department for training and technical assistance of public defenders representing clients with special needs;

(g) \$683,586 to the department to continue domestic violence legal advocacy;

(h) \$885,526 to the department of social and health services, juvenile rehabilitation administration, to continue youth violence prevention and intervention projects;

(i) \$59,688 to the department for community-based advocacy services to victims of violent crime, other than sexual assault and domestic violence;

(j) \$89,239 to the department to continue the governor's council on substance abuse;

(k) \$97,084 to the department to continue evaluation of Byrne formula grant programs;

(l) \$650,846 to the office of financial management for criminal history records improvement; and

(m) \$800,051 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 those 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.

(23) \$100,000 of the general fund—state appropriation for fiscal year 2004 and \$400,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the purpose of grants to support the base realignment and closure process. The department shall develop and implement criteria and procedures such as the types of activities that can be funded by the grants and requirements for local matching funds for the issuance of grants to one organization within: Island county, Kitsap county, Pierce county, Snohomish county, and Spokane county. The department shall use a portion of the funding provided to support the related activities of state agencies as identified by the governor.

(24) \$163,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for pass through to community voice mail agencies as identified in this subsection, in order for these agencies to provide people in crisis and transition free and personalized voice mail services:

- (a) The Opportunity Council, Bellingham, \$15,000;
- (b) Skagit Community Action, Skagit county, \$12,000;
- (c) The Opportunity Council, Island county, \$11,000;
- (d) Volunteers of America, Snohomish county, \$10,616;
- (e) Fremont Public Association, Seattle, \$27,909;
- (f) Metropolitan Development Council, Tacoma, \$10,475;
- (g) Community Voice Mail National, Olympia, \$18,000;
- (h) Council on Homelessness, Vancouver, \$12,500;
- (i) Chelan-Douglas Community Action, north central Washington, \$13,000;
- (j) Benton-Franklin Community Action, south central Washington, \$17,500;

and

- (k) SNAP, Spokane, \$15,000.

(25) \$634,000 of the general fund—state appropriation for fiscal year 2004, \$634,000 of the general fund—state appropriation for fiscal year 2005, and \$1,101,000 of the administrative contingency account appropriation are provided solely for contracting with associate development organizations to maintain existing programs.

(26) \$150,000 of the general fund—state appropriation for fiscal year 2005 is provided solely to the department of community, trade, and economic development for the northwest orthopaedic institute to develop additional organizational infrastructure to assist community-based musculoskeletal health research.

(27) \$300,000 of the general fund—state appropriation for fiscal year 2005 is provided solely to the department of community, trade, and economic development for the youth assessment center in Pierce county for activities dedicated to reducing the rate of incarceration of juvenile offenders.

(28) \$99,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the retired senior volunteer program.

(29) \$2,000,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for increased civil legal services for the indigent. Of this amount, \$100,000 shall be allocated to a general farm organization with

members in every county of the state to develop and administer an alternative dispute resolution system for disputes between farmers and farm workers.

(30) \$2,000,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for deposit in the homeless families services fund created in section 718 of this act.

(31) The entire homeless families services fund—state appropriation is provided solely to administer the homeless families fund and program created in section 718 of this act. It is the intent of the legislature that beginning with the 2005-07 biennium, the department choose a qualified contractor to administer the homeless families services fund program.

(32) \$421,000 of the general fund—state appropriation for fiscal year 2004 and \$193,000 of the general fund—state appropriation for fiscal year 2005 are provided solely to coordinate the state's efforts in siting the 7E7 final assembly plant.

(33) \$60,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for a study under (a) through (i) of this subsection. Expenditure of this amount is contingent upon a \$60,000 match from a county with a population exceeding one million. The department shall conduct a study to:

(a) Detail the progress in each of the buildable land counties to date in achieving annexation or incorporation of its urban growth area since adoption of the county's county-wide planning policies to the present time by documenting:

(i) The number of acres annexed;

(ii) The number of acres incorporated;

(iii) The number of residents annexed, incorporated, and remaining in urban unincorporated areas; and

(iv) The characteristic of urban land remaining unincorporated in terms of assessed value, infrastructure deficits, service needs, land use, commercial development, and residential development;

(b) Determine the characteristics of remaining urban unincorporated areas and current statutes, and estimate when all urban unincorporated areas in each county will be annexed or incorporated, based on the rate of progress to date;

(c) Survey the counties to identify those obstacles which, in their experience, slow or prohibit annexation;

(d) Survey the cities in each of the subject counties to identify obstacles, which in their experience, slow or prohibit annexation;

(e) Survey residents of urban unincorporated areas in each of the subject counties to identify their attitudes towards annexation or incorporation;

(f) Propose possible changes to city and county taxing authority which will serve to aid the transfer of annexation of remaining urban growth areas in a timely manner;

(g) Identify and discuss the need for funding of capital improvement projects needed to provide urban levels of service;

(h) Assess the role and statutory authority of the boundary review board and how altering their role and authority might facilitate annexation; and

(i) Propose possible changes to growth management or annexation processes which will facilitate annexation.

The department shall report to the local government committees of the legislature no later than December 1, 2004.

If a county does not wish to participate in this study, the county administrative officer shall submit those intentions, in writing, to the department no later than July 1, 2004.

(34) \$150,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for deposit in the small business incubator account to implement Engrossed Substitute House Bill No. 2784 (small business incubator program). If this bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(35) (~~(\$75,000)~~) \$54,000 of the general fund—state appropriation for fiscal year (~~(2004)~~) 2005 is provided solely to implement Substitute Senate Bill No. 6488 (agricultural lands study). (~~(If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.)~~)

Sec. 1008. 2004 c 276 s 118 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund—State Appropriation (FY 2004)	\$12,617,000
General Fund—State Appropriation (FY 2005)	(\$12,860,000)
	<u>\$12,905,000</u>
General Fund—Federal Appropriation	\$23,924,000
Violence Reduction and Drug Enforcement	
Account—State Appropriation	\$242,000
State Auditing Services Revolving	
Account—State Appropriation	\$25,000
TOTAL APPROPRIATION	(\$49,668,000)
	<u>\$49,713,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$67,000 of the general fund—state appropriation for fiscal year 2004 and \$232,000 of the general fund—state appropriation for fiscal year 2005 are provided solely to implement Second Substitute Senate Bill No. 5694 (integrated permit system) and Second Substitute Senate Bill No. 6217 (regulatory improvement center). If Second Substitute Senate Bill No. 6217 is not enacted by June 30, 2004, \$50,000 of the general fund—state appropriation for fiscal year 2005 shall lapse.

(2) By November 15, 2003, the office of financial management shall report to the house of representatives committees on appropriations, capital budget, and transportation and to the senate committees on ways and means and highways and transportation on the ten general priorities of government upon which the 2005-07 biennial budgets will be structured. Each priority must include a proposed set of cross agency activities with definitions and outcome measures. For historical comparisons, the 2001-03 expenditures and 2003-05 appropriations must be restated in this format and organized by priority, activity, fund source, and agency.

(3) \$40,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the office of financial management to contract for an evaluation of the costs and benefits of additional efforts aimed at encouraging K-12 employee collective bargaining units to elect coverage under public employee benefits board (PEBB) administered health care plans. This evaluation will include, but is not limited to, the following: A review of current processes for

the procurement of health benefit coverage by K-12 employees; an assessment of the costs and benefits for the state, local school districts, and K-12 employees of moving to PEBB administered health care plans; and options for creating incentives for K-12 employee collective bargaining units moving to PEBB administered plans. The office of financial management shall report regarding the results of this study to the governor and the fiscal committees of the legislature by December 1, 2004.

(4)(a) \$75,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for a task force on noneconomic damages. On or before October 31, 2005, the task force shall prepare a study and develop, for consideration by the legislature, a proposed plan for implementation of an advisory schedule of noneconomic damages in actions for injuries resulting from health care under chapter 7.70 RCW. Implementation of any proposed plan is contingent upon statutory authorization by the legislature.

(b) The task force shall develop a proposed plan for use of an advisory schedule of noneconomic damages, as defined in RCW 4.56.250, that will increase the predictability and proportionality of settlements and awards for noneconomic damages in actions for injuries resulting from health care. The task force shall consider:

(i) The information that can most appropriately be used to provide guidance to the trier of fact regarding noneconomic damage awards, giving consideration to past noneconomic damage awards for similar injuries, considering severity and duration of the injuries, and other factors deemed appropriate by the task force; past noneconomic damage awards for similar claims for damages; and such other information the task force finds appropriate;

(ii) The most appropriate format in which to present the information to the trier of fact; and

(iii) When and under what circumstances an advisory schedule should be utilized in alternative dispute resolution settings and presented to the trier of fact at trial.

(c) A proposed implementation plan shall include, at a minimum:

(i) The information developed under subsection (b) of this section;

(ii) Identification of statutory, regulatory, or court rule changes necessary to implement the advisory schedule, as well as forms or other documents necessary to implement the schedule; and

(iii) Identification of the time required to implement an advisory schedule authorized by the legislature.

(d) The task force is composed of fourteen members, as follows: (i) One member from each of the two largest caucuses in the senate, to be appointed by the president of the senate, and one member from each of the two largest caucuses in the house of representatives, to be appointed by the speaker of the house of representatives; (ii) one health care ethicist; (iii) one economist; (iv) one actuary; (v) two attorneys with expertise or significant experience in medical malpractice actions, one representing the plaintiff's bar and one representing the insurance defense bar; (vi) two superior court judges; (vii) one representative of a hospital; (viii) one physician; (ix) one representative of a medical malpractice insurer; and (x) two consumers. The governor shall appoint the nonlegislative members of the task force and select a chair.

(e) Legislative members of the task force shall be reimbursed for travel expenses under RCW 44.04.120. Nonlegislative members of the task force shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(f) The office of financial management shall provide support to the task force with the assistance of staff from the administrative office of the courts, the house of representatives office of program research, and senate committee services.

(5) \$252,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the office to study land use and local government finance and make recommendations on the impact that current trends in city and county revenue sources and expenditures may have on land use decisions made by counties and cities and meeting goals of the growth management act. Among the areas to be studied: Local government revenue sources and expenditures over the past decade; the relationship between local government finances and land use decisions including commercial, residential, and industrial development; cooperation or competition of adjoining jurisdictions over land use and annexation; the relationship new development has to existing commercial and residential areas and its effect on a community's infrastructure and quality of life. The study shall include recommendations for state and local government fiscal partnerships that encourage cooperation among jurisdictions to meet the goals of the growth management act, and how the state and local government fiscal structure can better meet the responsibilities of providing services to citizens and meeting the goals of the growth management act.

(6) \$45,000 of the general fund—state appropriation in fiscal year 2005 is provided solely for implementation of Substitute House Bill No. 1380 or Engrossed Second Substitute Senate Bill No. 5441 (education finance study). If neither bill is enacted by June 30, 2005, the amount provided in this subsection shall lapse.

Sec. 1009. 2003 1st sp.s. c 25 s 119 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund—State Appropriation (FY 2004)	\$228,000
General Fund—State Appropriation (FY 2005)	(\$239,000)
	<u>\$250,000</u>
TOTAL APPROPRIATION	(\$467,000)
	<u>\$478,000</u>

Sec. 1010. 2004 c 276 s 120 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account—State	
Appropriation.	(\$16,247,000)
	<u>\$18,854,000</u>
Higher Education Personnel Services Account—State	
Appropriation.	\$1,612,000
TOTAL APPROPRIATION	(\$17,859,000)
	<u>\$20,466,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to enter into a financing contract for up to \$38,911,000, plus necessary financing expenses and required reserves, pursuant to chapter 39.94 RCW. The contract shall be to purchase, develop, and implement a new statewide payroll system and shall be for a term of not more than twelve years. The legislature recognizes the critical nature of the human resource management system and its relationship to successful implementation of civil service reform, collective bargaining, and the ability to permit contracting out of services to the private sector. Projects of this size and complexity have many risks associated with their successful and timely completion, therefore, to help ensure project success, the department of personnel and the office of financial management shall jointly report to the legislature by January 15, 2004, on progress toward implementing the human resource management system. The report shall include a description of mitigation strategies employed to address the risks related to: Business requirements not fully defined at the project outset; short time frame for system implementation; and delays experienced by other states. The report shall assess the probability of meeting the system implementation schedule and recommend contingency strategies as needed. The report shall establish the timelines, the critical path, and the dependencies for realizing each of the benefits articulated in the system feasibility study.

(2) The department shall coordinate with the governor's office of Indian affairs on providing one-day government to government training sessions for federal, state, local, and tribal government employees. The training sessions must cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session.

Sec. 1011. 2004 c 276 s 121 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund—State Appropriation (FY 2004)	\$82,644,000
General Fund—State Appropriation (FY 2005)	(\$82,036,000)
	<u>\$82,606,000</u>
Timber Tax Distribution Account—State	
Appropriation	\$5,327,000
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
TOTAL APPROPRIATION	(\$170,189,000)
	<u>\$170,759,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$120,000 of the general fund—state appropriation for fiscal year 2005 is provided solely to implement Senate Bill No. 5034 (senior citizen property tax exemption). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(2) \$136,000 of the timber tax distribution account appropriation is provided solely to implement Engrossed Substitute House Bill No. 2693 (taxation of timber). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 1012. 2004 c 276 s 123 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account—State

Appropriation.	((\$1,990,000))
	<u>\$2,334,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) The office's revolving fund charges to state agencies may not exceed \$1,534,000.

(2) During the 2003-05 biennium, the office may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the office and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

(3) During the 2003-05 biennium, the office may raise fees in excess of the fiscal growth factor.

Sec. 1013. 2004 c 276 s 124 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund—State Appropriation (FY 2004)	\$235,000
General Fund—State Appropriation (FY 2005)	\$233,000
General Fund—Federal Appropriation	\$3,865,000
General Administration Services Account—State	

Appropriation.	((\$38,856,000))
	<u>\$39,310,000</u>

TOTAL APPROPRIATION	((\$43,189,000))
	<u>\$43,643,000</u>

Sec. 1014. 2004 c 276 s 126 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund—State Appropriation (FY 2004)	\$1,000,000
General Fund—State Appropriation (FY 2005)	((\$1,650,000))

	<u>\$1,771,000</u>
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Data Processing Revolving Account—State Appropriation. \$3,569,000

TOTAL APPROPRIATION	((\$6,219,000))
	<u>\$6,340,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$1,000,000 of the general fund—state appropriation for fiscal year 2004 and ((~~\$1,650,000~~)) \$1,771,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the digital learning commons to create a demonstration project, in collaboration with schools, which will provide a web-based portal where students, parents, and teachers from

around the state will have access to digital curriculum resources, learning tools, and online classes. The intent is to establish a clearinghouse of high quality online courses and curriculum materials that are aligned with the state's essential learning requirements. The clearinghouse shall be designed for ease of use and shall pool the purchasing power of the state so that these resources and courses are affordable and accessible to schools, teachers, students, and parents. These appropriations are subject to the following conditions and limitations:

(1) The funding provided in this section shall be expended primarily for acquiring online courses and curriculum materials that are aligned with the state "essential learning requirements" and that meet standards of quality. No more than ten percent of the funds provided in this subsection shall be used for administrative expenses of the digital learning commons.

(2) To the maximum extent possible, funds shall be used on demonstration projects that utilize online course materials and curricula that are already available. The commons may also consider utilizing existing products in establishing the entire digital learning commons.

(3) By September 1, 2003, the digital learning commons shall begin offering access to and reimbursement for online courses and services.

(4) In consultation with the department of information services, the office of financial management shall monitor compliance with these conditions and limitations. By February 1, 2004, the digital learning commons shall submit a report to the governor and the appropriate legislative committees detailing the types of courses and services offered and the number of students served through the digital learning commons.

Sec. 1015. 2004 c 276 s 129 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund—State Appropriation (FY 2004)	\$1,454,000
General Fund—State Appropriation (FY 2005)	\$1,455,000
Liquor Control Board Construction and Maintenance	
Account—State Appropriation	(\$5,717,000)
	<u>\$10,217,000</u>
Liquor Revolving Account—State	
Appropriation	(\$135,303,000)
	<u>\$135,635,000</u>
TOTAL APPROPRIATION	(\$143,929,000)
	<u>\$148,761,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,000,000 of the liquor revolving account appropriation is provided solely for the costs associated with the merchandising business system, with priority placed on the point-of-sale component of the system. Actual expenditures are limited to the balance of funds remaining from the \$4,803,000 appropriation provided for the merchandise business system in the 2001-03 budget.

(2) \$1,309,000 of the liquor revolving account appropriation is provided solely for the costs associated with the merchandising business system solution, with priority placed on the point-of-sale component of the system. These costs

include hiring system-related staff and procuring system-related hardware and software.

(3) As required under RCW 66.16.010, the liquor control board shall add an equivalent surcharge of \$0.42 per liter on all retail sales of spirits, excluding licensee, military and tribal sales, effective no later than September 1, 2003. The intent of this surcharge is to raise ~~(((\$14,000,000 in))~~ additional revenue for the 2003-05 biennium. ~~((To the extent that a lesser surcharge is sufficient to raise \$14,000,000, the board may reduce the amount of the surcharge. The board shall remove the surcharge once it generates \$14,000,000, but no later than June 30, 2005.))~~

(4) During the 2003-2005 fiscal biennium, the board may increase the fee for the certificate of approval in excess of the fiscal growth factor under RCW 43.135.055 if the increase is necessary to fully fund the costs of administering the certificate of approval program under Substitute Senate Bill No. 6655, as amended. If the bill is not enacted by June 30, 2004, this subsection is null and void.

(5) \$385,000 of the liquor revolving account—state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6655 (beer/wine manufacturers). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(6) \$4,500,000 of the liquor control board construction and maintenance account is provided solely for a three-level pick module, a pick module conveyor, additional deck lanes, associated material handling system equipment, and architectural and engineering/project management consulting fees to increase the liquor distribution center's shipping capacity.

Sec. 1016. 2004 c 276 s 131 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund—State Appropriation (FY 2004)	\$8,578,000
General Fund—State Appropriation (FY 2005)	(((\$8,466,000))
	<u>\$8,494,000</u>
General Fund—Federal Appropriation	(((\$143,243,000))
	<u>\$143,620,000</u>
General Fund—Private/Local Appropriation	(((\$371,000))
	<u>\$421,000</u>
Enhanced 911 Account—State Appropriation	\$33,955,000
Disaster Response Account—State Appropriation	(((\$3,387,000))
	<u>\$2,811,000</u>
Disaster Response Account—Federal Appropriation	(((\$7,857,000))
	<u>\$6,256,000</u>
Worker and Community Right to Know Fund—State Appropriation	\$290,000
Nisqually Earthquake Account—State Appropriation	(((\$17,869,000))
	<u>\$11,656,000</u>
Nisqually Earthquake Account—Federal Appropriation	(((\$62,103,000))
	<u>\$35,637,000</u>
TOTAL APPROPRIATION	(((\$286,119,000))

\$251,718,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$190,000 of the disaster response account—state appropriation is provided solely to develop and implement a disaster grant management system. 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 2003-05 biennium based on current revenue and expenditure patterns.

(2) (~~(\$14,869,000)~~) \$8,656,000 of the Nisqually earthquake account—state appropriation and (~~(\$62,103,000)~~) \$35,637,000 of the Nisqually earthquake account—federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery 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 (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake 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 2003-05 biennium based on current revenue and expenditure patterns.

(3) \$3,000,000 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.

(4) \$200,000 of the general fund—state appropriation for fiscal year 2004, \$200,000 of the general fund—state appropriation for fiscal year 2005, and \$105,952,000 of the general fund—federal appropriation are provided solely for homeland security, to be distributed as follows:

(a) \$9,469,000 of the general fund—federal appropriation to units of local government for homeland security purposes. Any communications equipment purchased shall be consistent with standards set by the Washington state interoperability executive committee;

(b) \$200,000 of the general fund—state appropriation for fiscal year 2004, \$200,000 of the general fund—state appropriation for fiscal year 2005, and

\$2,713,000 of the general fund—federal appropriation to the department to conduct the terrorism consequence management program;

(c) \$100,000 of the general fund—federal appropriation to the department to conduct a critical infrastructure assessment;

(d) \$674,000 of the general fund—federal appropriation to the office of financial management for the citizen corps and the community emergency response teams;

(e) \$1,384,000 of the general fund—federal appropriation to the department to provide homeland security exercise and training opportunities to state and local governments, and to develop, monitor, coordinate, and manage statewide homeland security programs, including required grant administration, monitoring, and reporting;

(f) \$89,677,000 of the general fund—federal appropriation for other anticipated homeland security needs. This amount shall not be allotted until a spending plan is approved by the governor's domestic security advisory group and the office of financial management;

(g) The remaining general fund—federal appropriation may be expended according to federal requirements;

(h) Federal moneys shall be carried forward and applied to the pool of moneys available for appropriation for programs and projects in the succeeding fiscal year. Funding is contingent upon receipt of federal awards. As part of its budget request in each year, the department shall estimate and request authority to spend any federal funds remaining available as a result of this subsection;

(i) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for Washington state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures.

Sec. 1017. 2004 c 276 s 132 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund—State Appropriation (FY 2004)	\$2,362,000
General Fund—State Appropriation (FY 2005)	(\$2,437,000)
	<u>\$2,396,000</u>
Department of Personnel Service Account—State	
Appropriation.	\$2,542,000
TOTAL APPROPRIATION	(\$7,341,000)
	<u>\$7,300,000</u>

~~((The appropriations in this section are subject to the following conditions and limitations: \$41,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the implementation of Second Substitute House Bill No. 2295 or Second Engrossed Substitute Senate Bill No. 5012 (charter schools). If neither bill is enacted by June 30, 2004, the amount provided in this subsection shall lapse.))~~

Sec. 1018. 2003 1st sp.s. c 25 s 152 (uncodified) is amended to read as follows:

FOR THE GROWTH PLANNING HEARINGS BOARD

General Fund—State Appropriation (FY 2004)	\$1,536,000
General Fund—State Appropriation (FY 2005)	(\$1,467,000)
	<u>\$1,522,000</u>
TOTAL APPROPRIATION	(\$3,003,000)
	<u>\$3,058,000</u>

**PART XI
HUMAN SERVICES**

Sec. 1101. 2004 c 276 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.

(2) The department of social and health services shall not initiate any services that 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, 2004, unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2004 among programs after approval by the director of financial management; and after May 1, 2005, unless specifically prohibited by this act, the department may transfer general fund—state appropriations for fiscal year 2005 in this act and in chapter 278, Laws of 2004 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 2004 and fiscal year 2005 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 or transfers under this subsection.

(4) After consultation and coordination with local elected officials and community groups to assure there will be no degradation in existing services as a result of implementing the Washington medicaid integration project, the department shall report its progress to the appropriate committees of the legislature during the 2004 September committee assembly days and is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage Medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP) the department may combine and transfer such Medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons during the 2003-05 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot, times the number of clients enrolled in the pilot. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

Sec. 1102. 2004 c 276 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 2004)	\$219,291,000
General Fund—State Appropriation (FY 2005)	(\$229,924,000)
	<u>\$230,779,000</u>
General Fund—Federal Appropriation	(\$422,870,000)
	<u>\$424,700,000</u>
General Fund—Private/Local Appropriation	\$400,000
Public Safety and Education Account—	
State Appropriation	\$21,488,000
Violence Reduction and Drug Enforcement Account—	
State Appropriation	\$1,488,000
TOTAL APPROPRIATION	(\$895,461,000)
	<u>\$898,146,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,271,000 of the fiscal year 2004 general fund—state appropriation, \$2,271,000 of the fiscal year 2005 general fund—state appropriation, and

\$1,584,000 of the general fund—federal appropriation are provided solely for the category of services titled "intensive family preservation services."

(2) \$701,000 of the general fund—state fiscal year 2004 appropriation and \$701,000 of the general fund—state fiscal year 2005 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) \$375,000 of the general fund—state fiscal year 2004 appropriation, \$375,000 of the general fund—state fiscal year 2005 appropriation, and \$322,000 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) The providers for the 31 HOPE beds shall be paid a \$1,000 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(5) \$125,000 of the general fund—state appropriation for fiscal year 2004 and \$125,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(6) Within funding provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures. The department shall adjust adoption support benefits to account for the availability of the new federal adoption support tax credit for special needs children.

(7) \$50,000 of the fiscal year 2004 general fund—state appropriation and \$50,000 of the fiscal year 2005 general fund—state appropriation are provided solely for a street youth program in Spokane.

(8) \$2,000,000 of the general fund—state appropriation for fiscal year 2005 is provided solely to increase shelter and other services for victims of domestic violence, including \$65,000 for domestic violence shelter operating costs in Shelton.

(9) \$1,773,000 of the general fund—state appropriation for fiscal year 2005 and \$531,000 of the general fund—federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6642 (case conferences),

CAMIS user interface improvements, and family team decision meetings, as part of the department's program improvement plan implementation.

(10) The department shall convene regional and local department staff and community-based agency staff to develop recommended policies and protocols concerning collaborative decision making, including contracting, referrals, and resource allocation. The department shall submit these recommendations to the governor and the appropriate committees of the legislature by December 1, 2004.

Sec. 1103. 2004 c 276 s 203 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
JUVENILE REHABILITATION PROGRAM**

General Fund—State Appropriation (FY 2004)	\$72,362,000
General Fund—State Appropriation (FY 2005)	(\$72,697,000)
	<u>\$73,253,000</u>
General Fund—Federal Appropriation	(\$6,260,000)
	<u>\$6,160,000</u>
General Fund—Private/Local Appropriation	\$1,098,000
Juvenile Accountability Incentive	
Account—Federal Appropriation	\$7,300,000
Violence Reduction and Drug Enforcement Account—	
State Appropriation	\$37,699,000
TOTAL APPROPRIATION	(\$195,284,000)
	<u>\$197,872,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$695,000 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.

(2) \$6,065,000 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.

(3) \$1,204,000 of the general fund—state appropriation for fiscal year 2004, \$1,204,000 of the general fund—state appropriation for fiscal year 2005, and \$5,262,000 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.

(4) \$2,544,000 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.

(5) \$16,000 of the general fund—state appropriation for fiscal year 2004 and \$16,000 of the general fund—state appropriation for fiscal year 2005 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.

(6) \$16,000 of the violence reduction and drug enforcement account appropriation is provided solely for the evaluation of the juvenile offender co-occurring disorder pilot program.

(7) For the purposes of a pilot project recommended by the family policy council, the juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, for consolidated juvenile services, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition alternative to the Pierce county juvenile court. To evaluate the effect of decategorizing funding for youth services, the juvenile court shall do the following:

(a) Develop intermediate client outcomes according to the risk assessment tool (RAT) currently used by juvenile courts and in coordination with the juvenile rehabilitation administration and the family policy council;

(b) Track the number of youth participating in each type of service, intermediate outcomes, and the incidence of recidivism within twenty-four months of completion of services;

(c) Track similar data as in (b) of this subsection with an appropriate control group, selected in coordination with the juvenile rehabilitation administration and the family policy council;

(d) Document the process for managing block grant funds on a quarterly basis, and provide this report to the juvenile rehabilitation administration and the family policy council; and

(e) Provide an initial process evaluation to the juvenile rehabilitation administration and the family policy council by January 30, 2004, and an intermediate evaluation by December 31, 2004. The court shall develop this evaluation in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy.

(8) \$158,000 of the general fund—state appropriation for fiscal year 2004 and ~~(\$580,000)~~ \$211,000 of the general fund—state appropriation for fiscal year 2005 are provided solely to reimburse counties for local juvenile disposition alternatives implemented pursuant to Senate Bill No. 5903 (juvenile offender sentencing). The juvenile rehabilitation administration, in consultation with the juvenile court administrators, shall develop an equitable distribution formula for the funding provided in this subsection. The juvenile rehabilitation administration may adjust this funding level in the event that utilization rates of the disposition alternatives are lower than the level anticipated by the total

appropriations to the juvenile rehabilitation administration in this section. If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(9) \$1,416,000 of the general fund—state appropriation for fiscal year 2004 and \$1,417,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for additional research-based services to the juvenile parole population, including quality control efforts to ensure appropriate implementation of research-based services. The juvenile rehabilitation administration shall consult with the Washington state institute for public policy in deciding which interventions to provide to the parole population and appropriate levels of quality control. Of the total general fund—state appropriation for fiscal year 2004, up to \$55,000 may be used for additional suicide precaution training for staff.

Sec. 1104. 2004 c 276 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 2004)	\$200,251,000
General Fund—State Appropriation (FY 2005)	(\$214,010,000)
	<u>\$208,328,000</u>
General Fund—Federal Appropriation	(\$405,549,000)
	<u>\$399,700,000</u>
General Fund—Local Appropriation	\$1,970,000
TOTAL APPROPRIATION	(\$821,780,000)
	<u>\$810,249,000</u>

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 that 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 disability services administration for the general fund—state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(c) \$4,222,000 of the general fund—state appropriation for fiscal year 2004, \$4,222,000 of the general fund—state appropriation for fiscal year 2005, and \$8,444,000 of the general fund—federal appropriation are provided solely for the continued 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 have been discharged from a state psychiatric hospital. 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 division and from the aging

and disability services administration. The department shall continue performance-based incentive contracts 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 \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(e) 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.

(f) The department shall assure that each regional support network increases spending on direct client services in fiscal years 2004 and 2005 by at least the same percentage as the total state, federal, and local funds allocated to the regional support network in those years exceed the amounts allocated to it in fiscal year 2003.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2004)	\$86,607,000
General Fund—State Appropriation (FY 2005)	(\$87,592,000)
	<u>\$89,683,000</u>
General Fund—Federal Appropriation	(\$146,945,000)
	<u>\$146,844,000</u>
General Fund—Private/Local Appropriation	(\$29,063,000)
	<u>\$28,743,000</u>
TOTAL APPROPRIATION	(\$350,207,000)
	<u>\$351,877,000</u>

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) \$124,000 of the general fund—state appropriation for fiscal year 2005, \$19,000 of the general fund—private/local appropriation, and \$17,000 of the general fund—federal appropriation are provided solely for implementation of Senate Bill No. 6358 (treatment orders). If Senate Bill No. 6358 is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(3) CIVIL COMMITMENT

General Fund—State Appropriation (FY 2004)	\$29,194,000
General Fund—State Appropriation (FY 2005)	(\$34,400,000)
	<u>\$38,295,000</u>
TOTAL APPROPRIATION	(\$63,594,000)
	<u>\$67,489,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$300,000 of the general fund—state appropriation for fiscal year 2004 and ~~(\$300,000)~~ \$229,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for public safety mitigation funding for jurisdictions affected by the placement of the secure community transition facility on McNeil Island. Of this amount, \$45,000 per year shall be provided to the city of Lakewood on September 1, 2003, and September 1, 2004, for police protection services provided by the city at Western State Hospital and adjacent areas. Of the remaining ~~(\$255,000 per year)~~ amounts, the department shall reimburse the affected jurisdictions for their documented costs that have been negotiated in an interagency agreement between the department and each jurisdiction, as follows:

(i) Up to \$125,000 per year shall be provided to Pierce county for its additional public safety costs as defined in RCW 71.09.344(2).

(ii) Up to \$45,000 per year shall be provided to affected jurisdictions other than Pierce county for the costs of training their law enforcement and administrative personnel as defined in RCW 71.09.344(2)(a).

(iii) The remaining amounts are for affected jurisdictions other than Pierce county for reimbursement of their documented public safety costs as defined in RCW 71.09.344(2) (b), (c), and (d).

(b) \$4,000 of the general fund—state appropriation for fiscal year 2004 and \$354,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for mitigation costs associated with the development and occupancy of the secure community transition facility in Seattle, as described in the settlement agreement dated February 3, 2004, between the department and the city of Seattle. If *City of Seattle v. DSHS*, King County Superior Court Cause No. 03-2-37882-SEA is not dismissed with prejudice by July 1, 2004, this appropriation shall lapse. If the proceeding requested by the city under RCW 71.09.342(5) is not withdrawn or dismissed with prejudice by July 1, 2004, this appropriation shall lapse.

(c) \$1,212,000 of the general fund—state appropriation for fiscal year 2004 and \$1,260,000 of the general fund—state appropriation for fiscal year 2005 are

provided solely for legal fees charged to the special commitment program, including increased hourly rates.

(4) SPECIAL PROJECTS

General Fund—Federal Appropriation \$2,082,000

(5) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2004) \$3,124,000

General Fund—State Appropriation (FY 2005) ~~(\$3,208,000)~~

\$3,334,000

General Fund—Federal Appropriation ~~(\$5,918,000)~~

\$6,026,000

TOTAL APPROPRIATION ~~(\$12,250,000)~~

\$12,484,000

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 2004, \$125,000 of the general fund—state appropriation for fiscal year 2005, 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 297, Laws of 1998 (commitment of mentally ill persons), and chapter 334, Laws of 2001 (mental health performance audit).

(b) \$50,000 of the general fund—state appropriation for fiscal year 2004 and \$50,000 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. The 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 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 its findings to the fiscal, health care, and human services committees of the legislature by November 1, 2003.

(c) \$53,000 of the general fund—state appropriation and \$47,000 of the general fund—federal appropriation for fiscal year 2005 are provided solely for development of a plan for maintaining and increasing the number of beds available for treatment of persons experiencing acute psychiatric emergencies. The plan is to provide an estimate of the number of state hospital and community acute care beds needed in different areas of the state, and to estimate the construction and operating cost of meeting that need under alternative operating arrangements.

Sec. 1105. 2004 c 276 s 205 (uncodified) 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 2004) \$250,633,000

General Fund—State Appropriation (FY 2005) ~~(\$274,414,000)~~

\$272,837,000

General Fund—Federal Appropriation ~~(\$453,434,000)~~

\$450,747,000

Health Services Account—State

Appropriation \$971,000

TOTAL APPROPRIATION ((~~\$979,452,000~~))

\$975,188,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Any 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 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.

(b) The health services account appropriation and \$971,000 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.

(i) Premium payments for individual provider home care workers shall be made only to the subsidized basic health plan.

(ii) Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits. Premium payments made to home care agencies shall be limited to home care workers who are employed at least twenty hours per week to serve state-funded clients. It is the intent of the legislature to fund the purchase of health care benefits for agency home care providers in a more fiscally prudent manner. The legislature encourages agency providers to purchase more cost-effective health care benefits, including increasing participation in the basic health plan or purchasing substantially equivalent benefits with substantially equivalent costs.

(c) \$562,000 of the general fund—state appropriation for fiscal year 2004, \$1,767,000 of the general fund—state appropriation for fiscal year 2005, and \$2,266,000 of the general fund—federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated.

The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically 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.

(d) \$563,000 of the general fund—state appropriation for fiscal year 2004, \$1,390,000 of the general fund—state appropriation for fiscal year 2005, and \$1,905,000 of the general fund—federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically 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.

(e) The department shall provide a status report on the transition, implementation, and operation of the four home and community-based waivers that will replace the community alternatives program waiver. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter for the quarters through December 2004, the following information for each home and community-based waiver: Total projected state and federal fiscal year expenditures, year-to-date actual expenditures compared to projected expenditures, year-to-date unduplicated clients compared to projected clients, actual average per capita costs compared to projected per capita costs, number of transfers between waivers, amount of emergency funds spent to date compared to projected emergency costs, state and federal funds transferred from the medicaid personal care program to the four home and community-based waiver programs, and the year-to-date number of new clients added to a waiver program.

(f) The department may transfer funding provided in this subsection to meet the purposes of subsection (2) of this section to the extent that fewer residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

(g) \$3,202,000 of the general fund—state appropriation for fiscal year 2004, \$4,472,000 of the general fund—state appropriation for fiscal year 2005, and \$7,633,000 of the general fund—federal appropriation are provided solely for the purpose of providing a wage increase effective October 1, 2003, for individual home care workers providing state-funded services. 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 increase.

(h) \$213,000 of the general fund—state appropriation for fiscal year 2004, \$289,000 of the general fund—state appropriation for fiscal year 2005, and \$500,000 of the general fund—federal appropriation are provided solely to increase payments to agency home care providers from \$13.44 per hour to \$14.27 per hour effective October 1, 2003. The amounts in this subsection shall be used to increase compensation for direct care workers by 75 cents per hour. 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 increase.

(i) \$1,000,000 of the general fund—state appropriation for fiscal year 2005 and \$300,000 of the general fund—federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided proportionately between waiver and nonwaiver clients. Federal funds may be used to enhance this funding only to the extent that a client is already on a home and community-based waiver. This funding shall not be used to add new clients to a home and community-based waiver.

(j) (~~(\$312,000)~~) \$347,000 of the general fund—state appropriation for fiscal year 2005 and (~~(\$290,000)~~) \$322,000 of the general fund—federal appropriation are provided solely to increase payments to agency home care providers from \$14.27 per hour to \$14.93 per hour, effective October 1, 2004. The amounts in this subsection shall be used to increase compensation for direct care workers by 50 cents per hour. 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 increase.

(2) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2004)	\$67,708,000
General Fund—State Appropriation (FY 2005)	\$70,794,000
General Fund—Federal Appropriation	\$148,998,000
General Fund—Private/Local Appropriation	\$11,228,000
TOTAL APPROPRIATION	\$298,728,000

The appropriations in this subsection are subject to the following conditions and limitations: The department may transfer funding provided in this subsection to meet the purposes of subsection (1) of this section to the extent that more residents of residential habilitation centers choose to move to community placements than was assumed in this appropriation.

(3) PROGRAM SUPPORT

General Fund—State Appropriation (FY 2004)	\$2,474,000
General Fund—State Appropriation (FY 2005)	\$3,208,000
General Fund—Federal Appropriation	\$4,209,000

Telecommunications Devices for the Hearing and Speech Impaired Account Appropriation	\$891,000
TOTAL APPROPRIATION	\$10,782,000

The appropriation in this subsection is subject to the following conditions and limitations: \$245,000 of the general fund—state appropriation for fiscal year 2004, \$996,000 of the general fund—state appropriation for fiscal year 2005, and \$1,258,000 of the general fund—federal appropriation are provided solely for the purpose of developing and implementing a consistent needs assessment instrument for use on all clients with developmental disabilities. In developing the instrument, the department shall develop a process for collecting data on family income for minor children with developmental disabilities who are clients of the department and shall ensure that this information is captured as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund—Federal Appropriation	\$13,604,000
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*Sec. 1106. 2004 c 276 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 2004)	\$523,896,000
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General Fund—State Appropriation (FY 2005) ~~(\$578,270,000)~~

\$561,504,000

General Fund—Federal Appropriation	(\$1,187,250,000)
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\$1,173,125,000

General Fund—Private/Local Appropriation	\$18,644,000
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Health Services Account—State

Appropriation	\$4,888,000
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TOTAL APPROPRIATION ~~(\$2,312,948,000)~~

\$2,282,057,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$1,476,000 of the general fund—state appropriation for fiscal year 2004, ~~(\$1,043,000)~~ \$3,838,000 of the general fund—state appropriation for fiscal year 2005, and ~~(\$6,851,000)~~ \$9,924,000 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.

(a) 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.

(b) Home care agencies may obtain coverage either through the basic health plan or through an alternative plan with substantially equivalent benefits. Premium payments made to home care agencies shall be limited to home care workers who are employed at least twenty hours per week to serve state-funded clients. It is the intent of the legislature to fund the purchase of health care benefits for agency home care providers in a more fiscally prudent manner. The legislature encourages agency providers to purchase more cost-effective health

care benefits, including increasing participation in the basic health plan or purchasing substantially equivalent benefits with substantially equivalent costs.

(2) \$1,768,000 of the general fund—state appropriation for fiscal year 2004 and \$1,768,000 of the general fund—state appropriation for fiscal year 2005 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 \$142.04 for fiscal year 2004, and no more than (~~(\$148.14)~~) \$145.81 for fiscal year 2005. For all facilities, the direct care, 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 3.0 percent effective July 1, 2003, and by an additional 2.4 percent effective July 1, 2004.

(4) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2004; up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2005; and up to \$32 million of increased asset value completed and ready for occupancy in fiscal year 2006.

(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) In accordance with chapter 74.39 RCW, the department may implement two Medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) The department shall track and electronically report to health care and fiscal committees of the legislature by November 15, 2004, on the types of long-term care support a sample of waiver participants were receiving prior to their enrollment in the waivers, how those services were being paid for, and an assessment of their adequacy.

(e) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(7) \$118,000 of the general fund—state appropriation for fiscal year 2004, \$118,000 of the general fund—state appropriation for fiscal year 2005, and \$236,000 of the general fund—federal appropriation are provided solely for the department to assess at least annually each elderly resident residing in residential habilitation centers and state-operated living alternatives to determine if the resident can be more appropriately served in a less restrictive setting.

(a) The department shall consider the proximity to the resident of the family, friends, and advocates concerned with the resident's well-being in determining whether the resident should be moved from a residential habilitation center to a different facility or program.

(b) In assessing an elderly resident under this section and to ensure appropriate placement, the department shall identify the special needs of the resident, the types of services that will best meet those needs, and the type of facility that will best provide those services.

(c) The appropriate interdisciplinary team shall conduct the evaluation.

(d) If appropriate, the department shall coordinate with the local mental health authority.

(e) The department may explore whether an enhanced rate is needed to serve this population.

(8) Within funds appropriated in this section, the department may expand the number of boarding home beds participating in the dementia pilot project by up to 200. These additional beds shall provide persons with Alzheimer's disease or related dementias who might otherwise require nursing home care accommodation in licensed boarding home facilities that specialize in caring for such conditions.

(9) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(10) \$6,418,000 of the general fund—state appropriation for fiscal year 2004, \$8,620,000 of the general fund—state appropriation for fiscal year 2005, and \$15,038,000 of the general fund—federal appropriation are provided solely for the purpose of providing a wage increase effective October 1, 2003, for individual home care workers providing state-funded services. 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 increase.

(11) \$2,294,000 of the general fund—state appropriation for fiscal year 2004, \$3,266,000 of the general fund—state appropriation for fiscal year 2005, and \$5,560,000 of the general fund—federal appropriation are provided solely to increase payments to agency home care providers from \$13.44 per hour to \$14.27 per hour effective October 1, 2003. The amounts in this subsection shall be used to increase compensation for direct care workers by 75 cents per hour. 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 increase.

(12) (~~(\$1,952,000)~~) \$2,114,000 of the general fund—state appropriation for fiscal year 2005 and (~~(\$1,941,000)~~) \$2,103,000 of the general fund—federal appropriation are provided solely to increase payments to agency home care providers from \$14.27 per hour to \$14.93 per hour, effective October 1, 2004. The amounts in this subsection shall be used to increase compensation for direct care workers by 50 cents per hour. 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 increase.

(13) \$500,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for area agencies on aging, or entities with which area agencies on aging contract, to provide support services for grandparents and other formal and informal kinship caregivers of children throughout the state.

(a) Support services shall include but not be limited to assistance in gaining access to those services, counseling, organization of support groups, and respite care.

(b) In providing support services under the kinship caregivers support program, area agencies on aging shall give priority to kinship caregivers who are at the greatest risk of being unable to maintain the caregiving role.

(c) In carrying out the kinship caregivers support program, each area agency on aging shall coordinate the activities of the agency, or entities with which the agency contracts, with the activities of other public and private agencies or organizations providing similar services for kinship caregivers.

*Sec. 1106 was partially vetoed. See message at end of chapter.

Sec. 1107. 2004 c 276 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 2004)	\$445,968,000
General Fund—State Appropriation (FY 2005)	(\$437,720,000)
	<u>\$457,208,000</u>
General Fund—Federal Appropriation	(\$1,208,746,000)
	<u>\$1,216,706,000</u>
General Fund—Private/Local Appropriation	(\$33,891,000)
	<u>\$32,673,000</u>
TOTAL APPROPRIATION	(\$2,126,325,000)
	<u>\$2,152,555,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$273,652,000~~ of the general fund—state appropriation for fiscal year 2004, ~~(\$273,695,000)~~ \$278,695,000 of the general fund—state appropriation for fiscal year 2005, and \$1,000,222,000 of the general fund—federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, 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. 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) Submit a report by October 1, 2003, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2003-2005 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels; and

(2) \$57,547,000 of the general fund—state appropriation for fiscal year 2004 and ~~(\$59,953,000)~~ \$73,424,000 of the general fund—state appropriation

for fiscal year 2005 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) \$936,000 of the general fund—state appropriation for fiscal year 2004 and \$936,000 of the general fund—state appropriation for fiscal year 2005 are provided for the department to assist in naturalization efforts for legal aliens whose eligibility for federal supplemental security income has expired. The department shall use funding previously spent on general assistance employment supports for these naturalization services.

(4) \$3,940,000 of the general fund—state appropriation for fiscal year 2004 and \$3,940,000 of the general fund—state appropriation for fiscal year 2005 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.

(5) \$9,142,000 of the general fund—federal appropriation is provided solely for increased reimbursement of county legal-clerk services for child support enforcement. The department shall ensure this increase in cost does not reduce federal incentive payments.

(6) In reviewing the budget for the division of child support, the legislature has conducted a review of the Washington state child support schedule, chapter 26.19 RCW, and supporting documentation as required by federal law. The legislature concludes that the application of the support schedule continues to result in the correct amount of child support to be awarded. No further changes will be made to the support schedule or the economic table at this time.

(7) \$1,250,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the department to maintain specialized employment services through the WorkFirst/LEP pathway program for refugees and other limited-English-proficient (LEP) families and individuals that receive temporary assistance for needy families, state family assistance, or refugee cash assistance benefits. These employment services include but are not limited to English as a second language (ESL), job placement assistance, and work support services.

(8) \$96,000 of the general fund—state appropriation for fiscal year 2005, \$16,000 of the general fund—federal appropriation, and \$11,000 of the general fund—local appropriation are provided solely for the implementation of Engrossed Senate Bill No. 6411 (reducing hunger), including section 2 of the act. If the bill is not enacted by June 30, 2004, the amounts provided in this section shall lapse.

(9) \$500,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for a subsidy rate increase for child care providers in urban areas of region 1.

Sec. 1108. 2004 c 276 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 2004)	\$39,979,000
General Fund—State Appropriation (FY 2005)	\$41,201,000
General Fund—Federal Appropriation	(\$94,105,000)

	<u>\$98,359,000</u>
General Fund—Private/Local Appropriation	\$630,000
Public Safety and Education Account—State Appropriation.	\$2,060,000
Criminal Justice Treatment Account—State Appropriation.	\$8,950,000
Violence Reduction and Drug Enforcement Account— State Appropriation	\$49,142,000
((Problem Gambling Treatment Account—State Appropriation.	(\$500,000))
TOTAL APPROPRIATION	(((\$236,567,000)) <u>\$240,321,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$966,197 of the general fund—state appropriation for fiscal year 2004 and \$966,197 of the general fund—state appropriation for fiscal year 2005 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers in Spokane and Yakima for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$250,000 of the general fund—state appropriation for fiscal year 2005 is provided for the Washington state mentoring partnership.

~~(((\$500,000 of the problem gambling treatment account appropriation is provided solely to implement Second Substitute House Bill No. 2776 (problem gambling). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.))~~

Sec. 1109. 2004 c 276 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 2004)	\$1,119,073,000
General Fund—State Appropriation (FY 2005)	(\$1,248,580,000)) <u>\$1,346,308,000</u>
General Fund—Federal Appropriation	(\$3,892,248,000)) <u>\$3,903,616,000</u>
General Fund—Private/Local Appropriation	(\$278,296,000)) <u>\$294,744,000</u>
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation.	\$14,004,000
Health Services Account—State Appropriation	(\$708,854,000)) <u>\$687,951,000</u>
TOTAL APPROPRIATION	(\$7,261,055,000)) <u>\$7,365,696,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will

exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(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) \$493,000 of the health services account appropriation for fiscal year 2004, (~~(\$748,000)~~) \$1,184,000 of the health services account appropriation for fiscal year 2005, and (~~(\$1,241,000)~~) \$1,438,000 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; and

(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.

(5) Sufficient funds are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(6) Sufficient funds are appropriated in this section for the department to provide an adult dental benefit equivalent to approximately 75 percent of the dental benefit provided during the 2001-03 biennium. The department shall establish the scope of services to be provided within the available funds in consultation with dental providers and consumer representatives.

(7) 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.

(8) In accordance with RCW 74.46.625, \$35,953,000 of the fiscal year 2004 health services account appropriation, \$20,577,000 of the fiscal year 2005 health services account appropriation, and \$61,037,000 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 91.9 percent of the supplemental payments; ~~and (b) ((a contractual commitment by the association of public hospital districts to return at least 8.1 percent of the supplemental payments to the participating rural hospital districts; and (c)))~~ a contractual commitment by the participating districts to not allow ~~((expenditures covered by the supplemental payments))~~ amounts intergovernmentally transferred to the state treasurer to be included in the nursing home cost report as expenditures or settlement against payments to be used for medicaid nursing home rate setting. It is the legislature's intent that the payments provided in this subsection shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs to improve access to healthcare at nursing facilities otherwise allowable for rate-setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. A ~~((hospital))~~ nursing home which does not participate in the supplemental payment intergovernmental transfer budgeted for fiscal year 2003 shall not be eligible to participate in the supplemental payments budgeted in this subsection for fiscal year 2004. The participating districts shall retain no more than a total of \$9,600,000 for the 2003-05 biennium.

(9) \$12,318,000 of the health services account appropriation for fiscal year 2004, \$10,738,000 of the health services account appropriation for fiscal year 2005, and \$23,056,000 of the general fund—federal appropriation are provided solely for additional disproportionate share and medicare upper payment limit payments to public hospital districts and to the state's teaching hospitals. The payments shall be conditioned upon a contractual commitment by the participating public hospitals to make an intergovernmental transfer to the health services account equal to at least 91 percent of the additional payments. The state's teaching hospitals shall retain at least 28 percent of the amounts retained by hospitals under these programs, or the maximum allowable under the teaching hospitals' limits as established under federal rule, whichever is less.

(10) \$3,178,000 of the health services account appropriation, \$4,208,000 of the general fund—local appropriation, and \$7,308,000 of the general fund—federal appropriation are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(11) \$36,002,000 of the health services account appropriation and \$26,080,000 of the general fund—federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(12) \$302,000 of the general fund—state appropriation for fiscal year 2004, ~~(((\$1,671,000))~~ \$1,633,000 of the general fund—state appropriation for fiscal year 2005, and ~~(((\$17,757,000))~~ \$17,410,000 of the general fund—federal

appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The medicaid management information system replacement project shall comply with section 902, chapter 25, Laws of 2003 1st sp. sess.

(13) The department shall implement a combination of cost containment and utilization strategies sufficient to reduce general fund—state costs for durable medical equipment and supplies in fiscal year 2005 by approximately 5 percent below the level projected for fiscal year 2005 in the February 2003 forecast. In designing strategies, the primary strategy considered shall be selective or direct contracting with durable medical equipment and supplies vendors or manufacturers.

(14) The department shall, within available resources, design and implement a medical care services care management pilot project for clients receiving general assistance benefits. The pilot project shall be operated in at least two of the counties with the highest concentration of general assistance clients, and may use a full or partial capitation model. In designing the project, the department shall consult with the mental health division and its managed care contractors that include community and migrant health centers in their provider network. The pilot project shall be designed to maximize care coordination, high-risk medical management, and chronic care management to achieve better health outcomes. The pilot project shall begin enrollment on July 1, 2004.

(15) Within available resources and to the extent possible, the department shall evaluate and pilot a nurse consultant services program to assist fee-for-service clients in accessing medical information, with the goal of reducing administrative burdens on physicians and unnecessary emergency room utilization.

(16) The department shall include in any pending medicaid reform section 1115 waiver application, or in any existing section 1115 waiver, a request for authorization to provide optional medicaid services that have been eliminated in this act to American Indian and Alaska Native persons as defined in relevant federal law who are eligible for medicaid only to the extent that such services are provided through the American Indian health system and are financed with one hundred percent federal medicaid matching funds.

(17) The department shall establish managed care rates within available funds, in a manner that promotes health plan efficiency, encourages continuity of service, and assures access in underserved areas.

(18) The department of social and health services, the office of the superintendent of public instruction, and the department of health should jointly identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provides cost-effective ways to avoid higher health care spending later in life.

(19) The department shall secure a federal waiver, effective no later than September 1, 2003, which will enable it to charge ~~((e-e-))~~ premiums for medical and dental coverage of children whose family incomes exceed the federal poverty level.

(20) (~~For purposes of RCW 74.09.800(2), \$8,017,000 of the general fund—state appropriation for fiscal year 2004, \$8,454,000 of the general fund—state appropriation for fiscal year 2005, and \$30,588,000 of the general fund—federal appropriation are provided solely to provide prenatal care services to low-income women who are not eligible to receive such services under the medical assistance program, Title XIX of the federal social security act. If the department is unable to secure federal matching funds under Title XXI of the social security act, the department shall take all actions necessary to manage the program within these appropriated levels.~~

(~~21~~) \$13,588,000 of the health services account appropriation for fiscal year 2004, \$11,008,000 of the health services account appropriation for fiscal year 2005, and \$24,595,000 of the general fund—federal appropriation are provided solely for additional disproportionate share hospital payments to public hospital districts. The payments shall be conditioned upon a contractual commitment by the participating hospital districts to make an intergovernmental transfer to the health services account equal to at least 86.5 percent of the additional disproportionate share payment. The participating districts shall retain no more than \$6,607,000 of the total additional amount paid.

(~~(22) \$10,000,000~~) (21) \$20,000,000 of the general fund—federal and (~~(\$10,000,000)~~) \$20,000,000 of the general fund—local funds are provided solely to increase payments in the inpatient upper payment limit program for the state's teaching hospitals. Payments shall be made to the extent allowable under federal medicaid rule and law. The department shall work with the teaching hospitals to identify allowable sources of funding for the required match and to assure that the teaching hospitals are responsible for repayment of any disallowed federal matching funds.

Sec. 1110. 2004 c 276 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 2004)	\$37,620,000
General Fund—State Appropriation (FY 2005)	(\$29,382,000)
	<u>\$29,417,000</u>
General Fund—Federal Appropriation	(\$52,580,000)
	<u>\$52,599,000</u>
General Fund—Private/Local Appropriation	\$810,000
Public Safety and Education Account—State Appropriation	\$2,444,000
Violence Reduction and Drug Enforcement Account— State Appropriation	\$4,152,000
TOTAL APPROPRIATION	(\$126,988,000)
	<u>\$127,042,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$467,000 of the general fund—state appropriation for fiscal year 2004, \$769,000 of the general fund—state appropriation for fiscal year 2005, and \$1,236,000 of the general fund—federal appropriation are provided solely for transition costs associated with the downsizing effort at Fircrest school. The department shall organize the downsizing effort so as to minimize disruption to

clients, employees, and the developmental disabilities program. The employees responsible for the downsizing effort shall report to the assistant secretary of the aging and disability services administration. Within the funds provided in this subsection, the department shall:

(a) Determine appropriate ways to maximize federal reimbursement during the downsizing process;

(b) Meet and confer with representatives of affected employees on how to assist employees who need help to relocate to other state jobs or to transition to private sector positions;

(c) Review opportunities for state employees to continue caring for clients by assisting them in developing privately operated community residential alternatives. In conducting the review, the department will examine efforts in this area pursued by other states as part of institutional downsizing efforts;

(d) Keep appropriate committees of the legislature apprised, through regular reports and periodic e-mail updates, of the development of and revisions to the work plan regarding this downsizing effort; and

(e) Provide a preliminary transition plan to the fiscal and policy committees of the legislature by January 1, 2004. The transition plan shall include recommendations on ways to continue to provide some of the licensed professional services offered at Fircrest school to clients being served in community settings.

(2) \$10,000,000 of the general fund—state appropriation for fiscal year 2004 is provided solely for one-time expenditures needed to meet the federally required level for state supplemental payments (SSP). The department shall transfer appropriate portions of this amount to other programs within the agency to accomplish this purpose. The department shall not initiate new services with this funding that will cause total future SSP expenditures to exceed the required annual maintenance-of-effort level.

(3) \$100,000 of the general fund—state appropriation for fiscal year 2004 and \$100,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for a contract for expanded services of the teamchild project.

(4) \$900,000 of the general fund—state appropriation for fiscal year 2004 and \$900,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the continued implementation of the juvenile violence prevention grant program established in section 204, chapter 309, Laws of 1999.

Sec. 1111. 2004 c 276 s 212 (uncodified) is amended to read as follows:

**FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—
PAYMENTS TO OTHER AGENCIES PROGRAM**

General Fund—State Appropriation (FY 2004)	\$43,454,000
General Fund—State Appropriation (FY 2005)	(\$43,493,000)
	<u>\$45,175,000</u>
General Fund—Federal Appropriation	(\$43,321,000)
	<u>\$43,981,000</u>
TOTAL APPROPRIATION	(\$130,268,000)
	<u>\$132,610,000</u>

Sec. 1112. 2004 c 276 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY
State Health Care Authority Administrative

Account—State Appropriation	(\$18,942,000)
	<u>\$19,570,000</u>
Health Services Account—State Appropriation	(\$417,890,000)
	<u>\$417,333,000</u>
General Fund—Federal Appropriation	(\$3,875,000)
	<u>\$3,804,000</u>
Medical Aid Account—State Appropriation	\$213,000
TOTAL APPROPRIATION	\$440,920,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,500,000 of the health services account—state appropriation is provided solely to increase funding for health care services provided through local community clinics.

(2) The health services account—state appropriation contains funding to provide dental care at community clinics for persons who are not current medicaid recipients, and for interpreter services to support dental and medical services for persons for whom interpreters are not available from any other source.

(3) \$50,000 of the health services account—state appropriation is provided solely to support the operation of an innovative clinic model for the delivery of health services to uninsured or publicly insured persons that is located in an urban underserved area and operated as a department or subsidiary of a hospital located in that underserved area; has been in operation for fewer than six months as of the effective date of this act; utilizes an innovative service delivery model that relies upon midlevel practitioners, volunteers, and students enrolled in health education programs and offers group visits for common conditions; and has a sliding fee schedule that assumes that every patient of the clinic will make some contribution towards the cost of his or her care.

(4) In order to maximize the number of enrollees who can be supported within appropriated amounts, the health care authority is directed to make modifications that will reduce the actuarial value of the basic health plan benefit by approximately 18 percent effective January 1, 2004. Modifications may include changes in enrollee premium obligations, enrollee cost-sharing, benefits, and incentives to access preventative services. To the extent that additional actions are needed in order to operate within appropriated funds, new enrollments to the program shall be limited in a manner consistent with the authority's September 6, 2001, administrative policy on basic health plan enrollment management.

(5) Within funds appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy 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 the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(6) 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 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(7) 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 (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (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; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(8) To decrease administrative burdens for providers and plans participating in state purchased health care programs, the administrator, the assistant secretary for the medical assistance administration of the department of social and health services, and the director of the department of labor and industries, in collaboration with health carriers, health care providers, and the office of the insurance commissioner shall, within available resources:

(a) Improve the timeliness of claims processing and the distribution of medical assistance program fee schedules, and more clearly define the scope of coverage under managed care contracts;

(b) Improve the capacity for electronic billing and claims submission and provide electronic access to eligibility, benefits, and exclusion information;

(c) Develop clear audit and data requirements for contracting managed health care plans and improve consistency between claims processing and published fee schedules;

(d) Conform billing codes with providers and between agencies with national and regional standards wherever possible; and

(e) Take steps to implement cost-effective measures pursuant to this section by December 2004, and on or before December 1, 2003, provide a progress report to the relevant policy and fiscal committees of the legislature on the feasibility of implementation and any fiscal constraints or regulatory or statutory barriers.

Sec. 1113. 2004 c 276 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund—State Appropriation (FY 2004)	\$5,863,000
General Fund—State Appropriation (FY 2005)	\$6,145,000
Public Safety and Education Account—State	
Appropriation	\$22,391,000
Public Safety and Education Account—Federal	
Appropriation	\$8,462,000
Asbestos Account—State Appropriation	\$717,000

Electrical License Account—State	
Appropriation.	\$29,589,000
Farm Labor Revolving Account—Private/Local	
Appropriation.	\$28,000
Worker and Community Right-to-Know Account—State	
Appropriation.	\$2,557,000
Public Works Administration Account—State	
Appropriation.	\$2,477,000
Accident Account—State Appropriation	\$188,181,000
Accident Account—Federal Appropriation	\$13,396,000
Medical Aid Account—State Appropriation	\$186,408,000
Medical Aid Account—Federal Appropriation	\$2,960,000
Plumbing Certificate Account—State	
Appropriation.	\$1,490,000
Pressure Systems Safety Account—State	
Appropriation.	\$2,878,000
TOTAL APPROPRIATION	\$473,542,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$90,000 of the electrical license account—state appropriation and \$206,000 of the plumbing certificate account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5713 (electrical contractors). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(2) (~~(\$578,000)~~) \$1,031,000 of the accident account—state appropriation is provided solely for the purpose of:

(a) Contracting with medical laboratories, health care providers, and other appropriate entities to provide cholinesterase medical monitoring of farm workers who handle cholinesterase-inhibiting pesticides(~~(, and)~~);

(b) To collect and analyze data related to such monitoring(~~(-~~

~~(3) \$453,000 of the accident account—state appropriation is provided solely for the purpose of reimbursing)~~;

(c) To reimburse agricultural employers for the costs of training, record-keeping, and travel related to cholinesterase medical monitoring of farm workers who handle cholinesterase(~~(-inhibiting pesticides)~~).

~~((4))~~ (3) The department shall report to the office of financial management and the appropriate fiscal and policy committees of the legislature detailed information regarding administrative staffing levels and services by October 1, 2004, and prior to implementing phase II of the indirect cost study.

~~((5))~~ (4) \$399,000 of the accident account—state appropriation and \$399,000 of the medical aid account—state appropriation are provided solely for the expansion of workers' compensation fraud investigation activities. The department shall report quarterly to the office of financial management and the appropriate policy and fiscal committees of the legislature regarding the cost effectiveness of fraud activities, including the total dollars expended compared to total dollars recovered.

(5) If the department estimates that expenditures for crime victims compensation will exceed the appropriations, including any amounts provided in

Senate Bill No. 5993, the department shall take steps, including but not limited to reduction of rates or elimination of optional services, to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

Sec. 1114. 2004 c 276 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund—State Appropriation (FY 2004)	\$1,531,000
General Fund—State Appropriation (FY 2005)	\$1,536,000
Charitable, Educational, Penal, and Reformatory Institutions Account—State Appropriation	\$11,000
TOTAL APPROPRIATION	\$3,078,000

(2) FIELD SERVICES

General Fund—State Appropriation (FY 2004)	\$2,588,000
General Fund—State Appropriation (FY 2005)	\$2,596,000
General Fund—Federal Appropriation	\$309,000
General Fund—Private/Local Appropriation	\$1,668,000
TOTAL APPROPRIATION	\$7,161,000

(3) INSTITUTIONAL SERVICES

General Fund—State Appropriation (FY 2004)	\$7,380,000
General Fund—State Appropriation (FY 2005)	(\$6,020,000)
	<u>\$6,136,000</u>
General Fund—Federal Appropriation	(\$27,365,000)
	<u>\$29,051,000</u>
General Fund—Private/Local Appropriation	(\$27,822,000)
	<u>\$26,345,000</u>
TOTAL APPROPRIATION	(\$68,587,000)
	<u>\$68,912,000</u>

Sec. 1115. 2004 c 276 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund—State Appropriation (FY 2004)	\$57,853,000
General Fund—State Appropriation (FY 2005)	\$60,346,000
Health Services Account—State Appropriation	(\$36,989,000)
	<u>\$34,163,000</u>
General Fund—Federal Appropriation	(\$392,762,000)
	<u>\$395,950,000</u>
General Fund—Private/Local Appropriation	(\$93,601,000)
	<u>\$99,368,000</u>
Hospital Commission Account—State Appropriation	\$2,490,000
Health Professions Account—State Appropriation	\$40,285,000
Emergency Medical Services and Trauma Care Systems Trust Account—State Appropriation	\$12,558,000
Safe Drinking Water Account—State Appropriation	\$2,728,000
Drinking Water Assistance Account—Federal	

Appropriation	\$15,654,000
Waterworks Operator Certification—State	
Appropriation	\$1,053,000
Drinking Water Assistance Administrative Account—	
State Appropriation	\$326,000
Water Quality Account—State Appropriation	\$3,359,000
Accident Account—State Appropriation	\$258,000
Medical Aid Account—State Appropriation	\$46,000
State Toxics Control Account—State	
Appropriation	\$2,761,000
Medical Test Site Licensure Account—State	
Appropriation	\$1,718,000
Youth Tobacco Prevention Account—State	
Appropriation	\$1,806,000
Tobacco Prevention and Control Account—State	
Appropriation	\$52,510,000
TOTAL APPROPRIATION	(\$779,103,000)
	<u>\$785,232,000</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 for health care assistants, commercial shellfish paralytic shellfish poisoning, commercial shellfish licenses, newborn screening programs, psychiatrically impaired children and youth residential treatment, and in-home services 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) \$1,337,000 of the general fund—state fiscal year 2004 appropriation and \$1,338,000 of the general fund—state fiscal year 2005 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.

(3) 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.

(4) ~~(\$24,350,000)~~ \$21,524,000 of the health services account—state appropriation is provided solely for the state's program of universal access to

essential childhood vaccines. The department shall utilize all available federal funding before expenditure of these funds.

(5) \$2,984,000 of the general fund—local appropriation is provided solely for development and implementation of an internet-based system for preparing and retrieving death certificates as provided in Substitute Senate Bill No. 5545 (chapter 241, Laws of 2003, web-based vital records).

(6) The department of social and health services, the office of the superintendent of public instruction, and the department of health should jointly identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provides cost-effective ways to avoid higher health care spending later in life.

(7) \$92,000 of the general fund—state appropriation for fiscal year 2004, \$19,000 of the general fund—state appropriation for fiscal year 2005, and \$987,000 of the general fund—local appropriation are provided solely for implementation of Substitute House Bill No. 1338 (municipal water rights). If Substitute House Bill No. 1338 is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(8) \$188,000 of the health professions account—state appropriation is provided solely to increase the regulation of sales of precursor drugs that are often used to illegally manufacture methamphetamine to implement Senate Bill No. 6478 (ephedrine). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(9) \$25,000 of the general fund—state appropriation for fiscal year 2005 is provided solely to develop and implement best practices in preventative health care for children. The department and the kids get care program of public health - Seattle and King county will work in collaboration with local health care agencies to disseminate strategic interventions that are focused on evidence-based best practices for improving health outcomes in children and saving health care costs. A report shall be provided to the appropriate committees of the legislature by June 30, 2005, on the program effectiveness and cost savings. This funding shall be matched by an equal amount of local funding.

(10) \$250,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the department to implement a multiyear pilot project in Yakima county for persons with household income at or below 200 percent of the federal poverty level who are ineligible for family planning services through the medicaid program. Individuals who will be served under the pilot include women who have never been pregnant, are not currently pregnant, or are beyond the family planning extension period allowed for first steps program eligibility. It is anticipated that the pilot project will serve approximately 1,000 women annually. The department will provide a preliminary report to the appropriate committees of the legislature by December 1, 2005.

Sec. 1116. 2004 c 276 s 218 (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, (~~2004~~) 2005, 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 ((2004)) 2005 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 2004)	\$36,534,000
General Fund—State Appropriation (FY 2005)	(\$38,835,000)
	<u>\$41,461,000</u>
Public Safety and Education Account—State Appropriation	\$3,657,000
Violence Reduction and Drug Enforcement Account Appropriation	\$26,000
TOTAL APPROPRIATION	(\$79,052,000)
	<u>\$81,678,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$700,000 of the general fund—state appropriation for fiscal year 2004 and (~~\$2,550,000~~) \$5,050,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the continuation of phase two of the department's offender-based tracking system replacement project. These amounts are conditioned on the department satisfying the requirements of section 902 of this act.

(2) CORRECTIONAL OPERATIONS

General Fund—State Appropriation (FY 2004)	\$458,402,000
General Fund—State Appropriation (FY 2005)	(\$477,061,000)
	<u>\$489,605,000</u>
General Fund—Federal Appropriation	(\$4,090,000)
	<u>\$4,507,000</u>
Violence Reduction and Drug Enforcement Account— State Appropriation	\$3,008,000
TOTAL APPROPRIATION	(\$942,561,000)
	<u>\$955,522,000</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) During the 2003-05 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.

(e) 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.

(f) \$7,272,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the purposes of settling all claims in *Stamey, et al. v. State of Washington Department of Corrections*, Pierce County Superior Court Cause No. 03-2-06201-1. The expenditure of this appropriation is contingent on the release of all claims in the case, and total settlement costs shall not exceed the appropriation in this subsection (f). If settlement is not executed by June 30, 2005, the appropriation in this subsection (f) shall lapse.

(g) \$810,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the purposes of settling all claims in *Arrasmith, et al. v. State of Washington Department of Corrections*, Pierce County Superior Court Cause No. 04-2-07177-7. The expenditure of this appropriation is contingent on the release of all claims in the case, and total settlement costs shall not exceed the appropriation in this subsection (g). If settlement is not executed by June 30, 2005, the appropriation in this subsection (g) shall lapse.

(3) COMMUNITY SUPERVISION

General Fund—State Appropriation (FY 2004)	\$87,626,000
General Fund—State Appropriation (FY 2005)	(\$88,564,000)
	<u>\$84,711,000</u>
Public Safety and Education	
Account—State Appropriation	\$15,492,000
TOTAL APPROPRIATION	(\$191,682,000)
	<u>\$187,829,000</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 2004 and \$75,000 of the general fund—state appropriation for fiscal year 2005 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) \$100,000 of the general fund—state appropriation for fiscal year 2004 is provided solely for a pilot project to test the availability, reliability, and effectiveness of an electronic monitoring system based on passive data logging global positioning system technology for monitoring sex offenders.

(i) The department of corrections shall work with the Washington association of sheriffs and police chiefs and the department of social and health services to establish the pilot project.

(ii) The pilot project shall be of sufficient size to test the reliability of the technology in a variety of geographical circumstances including both urban and rural locations.

(iii) The pilot project shall test the system using sex or kidnapping offenders under the jurisdiction of the department of corrections and persons civilly committed under chapter 71.09 RCW under a variety of supervision circumstances. Offenders included in the pilot project shall be offenders who have been classified as level three offenders by the end of sentence review committee and over whom the department of corrections has authority to establish conditions of supervision or persons who have been ordered to be electronically monitored by the court in a proceeding under chapter 71.09 RCW and who have been classified as level three offenders by the end of sentence review committee.

(iv) The pilot project shall specifically examine the feasibility of electronic monitoring for level three sex offenders or kidnapping offenders who register as homeless or transient.

(v) The Washington association of sheriffs and police chiefs shall report to the appropriate committees of the legislature and the governor on the results of the pilot project by January 31, 2004. The report must include, but is not limited to:

(A) The availability of the technology, including a description of the system used and a discussion of the various types of global positioning system-based monitoring available and appropriate for a sex offender population;

(B) Any geographic or weather-related limitations posed by the technology;

(C) The reliability, including the false alarm rate of the technology;

(D) Any training requirements for department of corrections staff or supervised persons;

(E) Any distinctions in effectiveness or feasibility for different supervision populations;

(F) Costs, including equipment costs, monitoring fees, and any changes to department of corrections staffing levels;

(G) The ability of the subjects of the pilot to pay for daily and/or equipment costs;

(H) The rate of loss or damage to equipment used by the subjects of the pilot project; and

(I) Limitations in the pilot project to determining the answers to the items in this subsection (3)(c)(v).

The association shall make a recommendation in the report about the frequency and timing of monitoring reports, and the need for further study of the issue to determine efficacy and reliability.

(4) CORRECTIONAL INDUSTRIES

General Fund—State Appropriation (FY 2004)	\$626,000
General Fund—State Appropriation (FY 2005)	\$626,000
TOTAL APPROPRIATION	\$1,252,000

The appropriations in this subsection are subject to the following conditions and limitations: \$110,000 of the general fund—state appropriation for fiscal year 2004 and \$110,000 of the general fund—state appropriation for fiscal year 2005 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 2004)	\$26,259,000
General Fund—State Appropriation (FY 2005)	\$26,288,000
TOTAL APPROPRIATION	\$52,547,000

The appropriations in this subsection are subject to the following conditions and limitations: \$70,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6489 (correctional industries). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

Sec. 1117. 2004 c 276 s 219 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund—Federal Appropriation	\$267,586,000
General Fund—Private/Local Appropriation	\$30,103,000
Unemployment Compensation Administration Account—	
Federal Appropriation	\$192,366,000
Administrative Contingency Account—State	
Appropriation	\$11,221,000
Employment Service Administrative Account—State	
Appropriation	\$23,184,000
TOTAL APPROPRIATION	\$524,460,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$100,000 of the administrative contingency account appropriation is provided solely to the employment security department for manufacturing economic research and surveys with findings reported to relevant legislative committees, business, and labor.

(2) \$3,988,000 of the unemployment compensation administration account—federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are provided to replace obsolete information technology infrastructure.

(3) \$3,500,000 of the unemployment compensation administration account—federal appropriation is provided from funds made available to the state by section 903(d) of the Social Security Act (Reed Act). These funds are authorized for employer outreach activities, employment service activities, and to prevent, detect, and collect unemployment insurance benefit overpayments.

(4) \$1,881,000 of the unemployment compensation administration account—federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to build an electronic delivery system to improve the collection, storage, and access of claimant and employer documents used by the department.

(5) \$2,065,000 of the unemployment compensation administration account—federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide technology to collect information from unemployment insurance applicants at the beginning of the telephone interview.

(6) \$4,337,000 of the unemployment compensation administration account—federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

**PART XII
NATURAL RESOURCES**

Sec. 1201. 2004 c 276 s 301 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund—State Appropriation (FY 2004)	\$35,828,000
General Fund—State Appropriation (FY 2005)	(\$35,911,000)
	<u>\$36,184,000</u>
General Fund—Federal Appropriation	\$57,143,000
General Fund—Private/Local Appropriation	\$3,696,000
Special Grass Seed Burning Research Account—	
State Appropriation	\$14,000
Reclamation Revolving Account—State	
Appropriation.	\$2,760,000
Flood Control Assistance Account—	
State Appropriation	\$2,159,000
State Emergency Water Projects Revolving Account—	
State Appropriation	\$725,000
Waste Reduction/Recycling/Litter Control Account—	
State Appropriation	\$13,714,000
State Drought Preparedness Account—State	
Appropriation.	\$1,858,000
State and Local Improvements Revolving Account	
(Water Supply Facilities)—State	
Appropriation.	\$593,000
Site Closure Account—State Appropriation.	(\$629,000)
	<u>\$653,000</u>

Water Quality Account—State Appropriation	\$25,252,000
Wood Stove Education and Enforcement Account— State Appropriation	\$356,000
Worker and Community Right-to-Know Account— State Appropriation	\$3,348,000
State Toxics Control Account—State Appropriation.	(\$59,427,000)
	<u>\$60,039,000</u>
State Toxics Control Account—Private/Local Appropriation.	\$353,000
Local Toxics Control Account—State Appropriation.	\$4,878,000
Water Quality Permit Account—State Appropriation.	\$25,741,000
Underground Storage Tank Account—State Appropriation.	\$2,710,000
Environmental Excellence Account—State Appropriation.	\$504,000
Biosolids Permit Account—State Appropriation	\$784,000
Hazardous Waste Assistance Account—State Appropriation.	\$4,535,000
Air Pollution Control Account—State Appropriation.	\$1,654,000
Oil Spill Prevention Account—State Appropriation.	\$7,889,000
Air Operating Permit Account—State Appropriation.	\$3,693,000
Freshwater Aquatic Weeds Account—State Appropriation.	\$2,503,000
Oil Spill Response Account—State Appropriation.	\$7,078,000
Metals Mining Account—State Appropriation.	\$19,000
Water Pollution Control Revolving Account— State Appropriation	\$387,000
Water Pollution Control Revolving Account— Federal Appropriation	\$1,901,000
TOTAL APPROPRIATION	(\$308,042,000)
	<u>\$308,951,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,757,696 of the general fund—state appropriation for fiscal year 2004, \$2,757,696 of the general fund—state appropriation for fiscal year 2005, \$394,000 of the general fund—federal appropriation, \$2,581,000 of the state toxics account—state appropriation, \$217,830 of the water quality account—state appropriation, \$322,976 of the state drought preparedness account—state appropriation, \$3,748,220 of the water quality permit account—state appropriation, and \$704,942 of the oil spill prevention account are provided solely for the implementation of the Puget Sound work plan and agency action

items DOE-01, DOE-02, DOE-04, DOE-05, DOE-06, DOE-07, DOE-08, and DOE-09.

(2) \$4,059,000 of the state toxics control account appropriation is provided solely for methamphetamine lab clean-up activities.

(3) \$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.

(4) \$730,000 of the general fund—state appropriation for fiscal year 2004 and (~~(\$1,270,000)~~) \$1,543,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for shoreline grants to local governments to implement Substitute Senate Bill No. 6012 (shoreline management), chapter 262, Laws of 2003.

(5) Fees approved by the department of ecology in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) \$200,000 of the water quality account—state appropriation is provided solely for the department to contract with Washington State University cooperative extension program to provide statewide coordination and support for coordinated resource management.

(7) \$100,000 of the state toxics control account—state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1002 (mercury), chapter 260, Laws of 2003. If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(8) The department of ecology is authorized to take one of the following actions related to the grant awarded in the 2001-03 biennium to Lincoln county for the Negro Creek flood control project, flood control assistance account program grant G0200049: (a) Carry forward to the 2003-05 biennium any unspent portion of the grant, or (b) extend the time of performance for the grant contract to the end of the 2003-2005 biennium.

(9) \$144,000 of the oil spill prevention account—state appropriation is provided solely to implement the provisions of Substitute Senate Bill No. 6641 (oil spills). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(10) \$536,000 of the water quality permit account—state appropriation is provided solely to implement the provisions of Engrossed Substitute Senate Bill No. 6415 (storm water discharge permits). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(11) \$218,000 of the general fund—state appropriation for fiscal year 2005 is provided solely to implement the provisions of Engrossed Second Substitute Senate Bill No. 5957 (water quality data). If the bill is not enacted by June 30, 2004, the amounts provided in this subsection shall lapse.

(12) \$100,000 of the general fund—state appropriation for fiscal year 2005 is provided solely to support the initial phase of the federal United States Geological Survey study of the Spokane Valley-Rathdrum Prairie aquifer.

(13) \$65,000 of the general fund—state appropriation for fiscal year 2005 is provided solely to implement Engrossed Substitute House Bill No. 2488 (electronic products). If the bill is not enacted by June 30, 2004, the amounts provided in this subsection shall lapse.

(14) \$1,043,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for (a) establishing instream flows by rule for main stem rivers and their key tributaries. In watersheds where planning is not being conducted pursuant to chapter 90.82 RCW, the department shall follow the procedures and applicable requirements of chapters 90.22 and 90.54 RCW, and shall create a process of public involvement similar to that of a watershed planning unit under the provisions of chapter 90.82 RCW, in order to ensure that citizens are informed and afforded the opportunity to participate in the development of instream flow recommendations in collaboration with the department; (b) working with counties that have existing geographic information systems to map existing water rights and document current ownership and evaluating alternative administrative systems for determining existing water rights; and (c) assigning one water master to a basin that has been adjudicated.

(15) \$2,500,000 of the general fund—state appropriation for fiscal year 2004 is provided solely for a one-time payment to settle all claims in a suit against the state in the *Envirotest v. Department of Ecology*, Thurston Co. Sup. Ct. Case No. 02-2-00255-0.

(16) \$350,000 of the hazardous waste assistance account appropriation is provided solely for rulemaking to require closure plans, liability coverage, and financial assurances for hazardous waste management facilities.

(17) \$300,000 of the general fund—state appropriation for fiscal year 2005 is provided solely to assist in watershed planning efforts. Of this amount, \$200,000 is provided solely for mediation efforts with the Lummi nation to pursue resolution of federal and tribal rights to water in Washington state consistent with comprehensive state water resources planning under chapter 90.54 RCW and \$100,000 is provided solely for coordination and staff support for the Nisqually river council watershed initiative program.

(18)(a) \$166,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for rulemaking and development of chemical action plans for persistent bioaccumulative toxins. Of this amount:

(i) \$83,000 is provided solely for the development of a chemical action plan for the chemical compounds known as PBDE (polybrominated diphenyl ethers); and

(ii) \$83,000 is provided solely for rulemaking to develop specific criteria by which chemicals may be included on a persistent bioaccumulative toxins list, develop a specific list of persistent bioaccumulative toxins and establish criteria for selecting chemicals for chemical action plans. The department shall develop the criteria and list consistent with the administrative procedure act provided under chapter 34.05 RCW and shall not adopt the rule prior to the adjournment of the 2005 legislative session. The department shall make recommendations to the legislature by December 31, 2004, regarding future funding alternatives to address persistent bioaccumulative toxins.

(b) \$159,000 of the state toxics control account appropriation is provided solely to implement the mercury chemical action plan. Of this amount: (i) \$84,000 is provided for development of a memorandum of understanding with the Washington state hospital association and the auto recyclers of Washington to ensure the safe removal and disposal of products containing mercury; and (ii) \$75,000 is provided for ongoing fluorescent lamp recycling.

Any pesticide with a valid registration on or after the effective date of this act issued by the environmental protection agency under the federal insecticide, fungicide and rodenticide act, 7 U.S.C. 136 et seq., or any fertilizer regulated under the Washington fertilizer act, chapter 15.54 RCW, shall not be included in a persistent bioaccumulative toxin rulemaking process, list, or chemical action plan undertaken by the department of ecology.

(19) \$120,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for a wetland mitigation banking pilot project. The department shall work with representatives from involved state agencies, the army corps of engineers, business, mitigation banking organizations, and environmental organizations to develop and implement a wetland banking rule. The department shall report to the appropriate committees of the legislature on the progress of the rule by December 2004.

(20) Within the amounts appropriated in this section the department shall convene and provide staff support for a water resources administration and funding task force. The task force shall develop proposals for and recommend several options for funding the state's water resource programs, including both operating programs and capital costs for water program implementation. The task force must report its findings and recommendations to the governor and the appropriate committees of the legislature by December 15, 2004. The task force shall include representatives of each of the following interests, selected by the associations representing those interests:

- (i) One representative from each of the following interests: Agriculture, industry, environmental, fisheries, water utilities, and power utilities;
- (ii) One representative of cities and one representative of counties;
- (iii) Two representatives of Indian tribes, one from eastern Washington and one from western Washington;
- (iv) Three representatives of the executive branch of state government; and
- (v) The department of ecology shall invite a representative of the United States bureau of reclamation to participate as a member of the task force.

Sec. 1202. 2004 c 276 s 302 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund—State Appropriation (FY 2004)	\$30,015,000
General Fund—State Appropriation (FY 2005)	(\$30,034,000)
	<u>\$30,398,000</u>
General Fund—Federal Appropriation	\$2,666,000
General Fund—Private/Local Appropriation	\$63,000
Winter Recreation Program Account—State Appropriation	\$1,079,000
Off Road Vehicle Account—State Appropriation	\$285,000
Snowmobile Account—State Appropriation	\$4,790,000
Aquatic Lands Enhancement Account—State Appropriation	\$332,000
Public Safety and Education Account—State Appropriation	\$47,000
Parks Renewal and Stewardship Account— Private/Local Appropriation	\$300,000
Parks Renewal and Stewardship Account—	

State Appropriation	(\$34,431,000)
	\$34,744,000
TOTAL APPROPRIATION	(\$104,042,000)
	\$104,719,000

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 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund—state appropriation for fiscal year 2004, \$79,000 of the general fund—state appropriation for fiscal year 2005, 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.

(3) \$191,000 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.

(4) At each state park at which a parking fee is collected, the state parks and recreation commission shall provide notice that the revenue collected from the parking fee shall be used to fund expenditures to maintain and improve the state park system.

(5) \$72,000 of the parks renewal and stewardship account—state appropriation is provided solely for one-time and ongoing computer system improvements and technical support.

(6) \$106,000 of the general fund—state appropriation for fiscal year 2005 and \$158,000 of the parks renewal and stewardship account—state appropriation are provided solely for employee retirement buyout costs.

Sec. 1203. 2004 c 276 s 304 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund—State Appropriation (FY 2004)	\$934,000
General Fund—State Appropriation (FY 2005)	(\$998,000)
	\$1,021,000
TOTAL APPROPRIATION	(\$1,932,000)
	\$1,955,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund—state appropriation for fiscal year 2004 and ~~(\$20,000)~~ \$43,000 of the general fund—state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute Senate Bill No. 5776 (review of permit decisions), chapter 393, Laws of 2003.

Sec. 1204. 2004 c 276 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund—State Appropriation (FY 2004)	\$41,600,000
General Fund—State Appropriation (FY 2005)	(\$40,584,000)
	\$40,634,000
General Fund—Federal Appropriation	(\$40,316,000)
	\$41,816,000
General Fund—Private/Local Appropriation	(\$29,420,000)
	\$34,345,000

Off Road Vehicle Account—State	
Appropriation	\$501,000
Aquatic Lands Enhancement Account—State	
Appropriation	\$5,620,000
Public Safety and Education Account—State	
Appropriation	\$562,000
Recreational Fisheries Enhancement Account—	
State Appropriation	(\$3,467,000)
	<u>\$3,692,000</u>
Warm Water Game Fish Account—State	
Appropriation	\$2,568,000
Eastern Washington Pheasant Enhancement Account—	
State Appropriation	\$750,000
Wildlife Account—State Appropriation	(\$58,922,000)
	<u>\$59,382,000</u>
Wildlife Account—Federal Appropriation	\$29,532,000
Wildlife Account—Private/Local	
Appropriation	\$10,038,000
Special Wildlife Account—State	
Appropriation	\$2,068,000
Special Wildlife Account—Federal	
Appropriation	(\$8,720,000)
	<u>\$7,720,000</u>
Special Wildlife Account—Private/Local	
Appropriation	(\$450,000)
	<u>\$1,450,000</u>
Environmental Excellence Account—State	
Appropriation	\$15,000
Regional Fisheries Salmonid Recovery Account—	
Federal Appropriation	(\$1,750,000)
	<u>\$2,750,000</u>
Oil Spill Prevention Account—State	
Appropriation	\$981,000
Oyster Reserve Land Account—State	
Appropriation	\$411,000
TOTAL APPROPRIATION	(\$278,275,000)
	<u>\$286,435,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,355,714 of the general fund—state appropriation for fiscal year 2004, \$1,355,713 of the general fund—state appropriation for fiscal year 2005, and \$402,000 of the wildlife account—state appropriation are provided solely for the implementation of the Puget Sound work plan and agency action items DFW-01 through DFW-06.

(2) \$225,000 of the general fund—state appropriation for fiscal year 2004, \$225,000 of the general fund—state appropriation for fiscal year 2005, and \$550,000 of the wildlife account—state appropriation are provided solely for the

implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(3) \$1,016,000 of the wildlife account—state appropriation is provided solely for stewardship and maintenance needs on agency-owned lands and water access sites.

(4) \$900,000 of the wildlife fund—state appropriation is provided solely for wetland restoration activities for migratory waterfowl by providing landowner incentives to create or maintain waterfowl habitat and management activities.

(5) \$2,000,000 of the aquatic lands enhancement account appropriation is provided for cooperative volunteer projects.

(6) The department shall 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.

(7) The department shall develop and implement an activity-based costing system. The system shall be operational no later than January 1, 2004.

(8) \$400,000 of the wildlife account—state appropriation is provided solely to implement the department's information systems strategic plan to include continued implementation of a personal computer leasing plan, an upgrade of computer back-up systems, systems architecture assessment, and network security analysis.

(9) Within funds provided, the department shall make available enforcement and biological staff to respond and take appropriate action to ensure public safety in response to public complaints regarding bear and cougar.

(10) \$43,000 of the general fund—state appropriation for fiscal year 2004 and \$42,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for staffing and operation of the Tennant Lake interpretive center.

(11) \$80,000 of the general fund—state appropriation for fiscal year 2004 and \$77,000 of the general fund—state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners), chapter 311, Laws of 2003.

(12) \$25,000 of the general fund—state appropriation for fiscal year 2004 and \$25,000 of the general fund—state appropriation for fiscal year 2005 are provided solely to implement Engrossed Second Substitute House Bill No. 1338 (municipal water rights). If the bill is not enacted by June 30, 2003, the amounts provided in this subsection shall lapse.

(13) \$110,000 of the general fund—state appropriation for fiscal year 2004 and \$110,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for economic adjustment assistance to fishermen pursuant to the 1999 Pacific salmon treaty agreement.

(14) 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.

(15) \$75,000 of the recreational fisheries enhancement account and \$75,000 of the state wildlife account—state appropriation are provided solely to implement additional selective recreational fisheries to include one additional

fishery each in eastern and western Washington. The department shall determine the eastern Washington fishery, and the western Washington fishery shall be for Lake Washington sockeye.

(16) \$16,000 of the wildlife account—state appropriation is provided solely for implementation of Substitute House Bill No. 2621 (razor clam license). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(17) \$417,000 of the wildlife account—state appropriation is provided solely to implement Substitute House Bill No. 2431 (Dungeness crab card). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(18) \$112,000 of the general fund—state appropriation for fiscal year 2005 is provided solely to buy back purse seine fishing licenses.

(19) \$180,000 of the wildlife account—state appropriation is provided solely to test deer and elk for chronic wasting disease and to document the extent of swan lead poisoning. Of this amount, \$65,000 is provided solely to document the extent of swan lead poisoning and to begin environmental cleanup.

~~(20) (\$122,000 of the wildlife account—state appropriation is provided solely to reimburse the department of natural resources for fire suppression costs incurred on department of fish and wildlife lands.~~

~~(21))~~ (21) \$150,000 of the general fund—state appropriation for fiscal year 2005 and \$150,000 of the wildlife account—state appropriation are provided solely to complete phase II of the contract management system (CAPS). The CAPS system phase II shall be operational no later than June 30, 2005.

~~((22))~~ (21) From within existing funding, the department shall provide a report to the appropriate committees of the legislature identifying options for reducing future allocations for the harvest of salmon in the event that a group's actual catch exceeds a current allocation. The report shall identify any statutory changes that would be required to implement such an accountability system.

~~((23))~~ (22) \$50,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for lease payments for the Vancouver hatchery staff residence and for the development of plans for an educational facility in cooperation with the Columbia Springs environmental education center.

(23) \$50,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for pheasant brood stock replacement and follow up sanitation and clean up of the Lewis county game farm.

Sec. 1205. 2004 c 276 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund—State Appropriation (FY 2004)	\$54,189,000
General Fund—State Appropriation (FY 2005)	(\$36,554,000)
	<u>\$47,583,000</u>
General Fund—Federal Appropriation	(\$5,116,000)
	<u>\$5,281,000</u>
General Fund—Private/Local Appropriation	\$2,482,000
Forest Development Account—State	
Appropriation.	\$52,075,000
Off Road Vehicle Account—State	
Appropriation.	\$4,029,000

Surveys and Maps Account—State	
Appropriation	\$2,761,000
Aquatic Lands Enhancement Account—State	
Appropriation	\$8,925,000
Resources Management Cost Account—State	
Appropriation	\$70,418,000
Surface Mining Reclamation Account—State	
Appropriation	\$2,293,000
Disaster Response Account—State Appropriation	\$7,200,000
State Toxics Control Account—State Appropriation	(\$750,000)
	<u>\$890,000</u>
Water Quality Account—State Appropriation	\$2,479,000
Aquatic Land Dredged Material Disposal Site	
Account—State Appropriation	\$1,311,000
Natural Resource Conservation Areas Stewardship	
Account Appropriation	\$83,000
Air Pollution Control Account—State	
Appropriation	\$526,000
Agricultural College Trust Management Account	
Appropriation	\$1,868,000
Derelict Vessel Removal Account—State	
Appropriation	\$1,130,000
TOTAL APPROPRIATION	(\$254,189,000)
	<u>\$265,523,000</u>

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 2004, \$18,000 of the general fund—state appropriation for fiscal year 2005, and \$1,006,950 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) \$908,000 of the general fund—state appropriation for fiscal year 2004 and \$910,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for deposit into 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.

(3) \$24,674,000 of the general fund—state appropriation for fiscal year 2004, ~~(\$8,358,000)~~ \$19,087,000 of the general fund—state appropriation for fiscal year 2005, and \$7,200,000 of the disaster response account—state appropriation are provided solely for emergency fire suppression. These funds shall not be allocated to cover any portion of agency indirect and administrative expenses. The legislature finds that general fund and disaster response account support for emergency fire suppression is a significant and direct subsidy of the costs to administer and manage various trust lands. It would be an unintended additional subsidy if a portion of the general fund and disaster response account amounts provided in this subsection were used to fund agency indirect and administrative expenses. To avoid this unintended additional subsidy, agency

indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(4) \$582,000 of the aquatic lands enhancement account appropriation is provided solely for spartina control.

(5) Fees approved by the board of natural resources in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(6) The department shall prepare a report of actual and planned expenditures by task and activity from all fund sources for all aspects of the forest and fish program for the 2001-03 and 2003-05 biennia. The report shall be submitted to the director of financial management and the legislative fiscal committees by August 31, 2003.

(7) Authority to expend funding for acquisition of technology equipment and software associated with development of a new revenue management system is conditioned on compliance with section 902 of this act.

(8) \$1,000,000 of the aquatic lands enhancement account—state appropriation (~~is~~) and \$140,000 of the state toxics control account—state appropriation are provided solely for the department to meet its obligations with the U.S. environmental protection agency for the clean-up of Commencement Bay.

(9) The department of natural resources shall provide a report to the appropriate committees of the legislature, the office of financial management, and the board of natural resources concerning the costs and effectiveness of the contract harvesting program as authorized by Second Substitute Senate Bill No. 5074 (contract harvesting), chapter 313, Laws of 2003. The report shall be submitted by December 31, 2006, and shall include the following information:

(a) Number of sales conducted through contract harvesting;

(b) For each sale conducted, the (i) number of board feet sold; (ii) stumpage and pond prices; (iii) difference in revenues received compared to revenues that would have accrued through noncontract harvest sales, and the distribution of revenues to the contract harvesting revolving account, and to applicable management and trust accounts; and (iv) total cost to conduct the contract harvest, by fund and object of expenditure; and

(c) Other costs and benefits attributable to contract harvesting.

(10) \$208,000 of the general fund—state appropriation of fiscal year 2004 and \$70,000 of the general fund—state appropriation for fiscal year 2005 are provided solely to implement Second Substitute House Bill No. 1095 (small forest landowners), chapter 311, Laws of 2003.

(11) The department of natural resources shall not close Sahara Creek facility, campground, or trailhead. The appropriations in this section are deemed sufficient to provide service for these recreational opportunities.

(12) \$4,000 of the general fund—state appropriation for fiscal year 2004 and \$4,000 of the general fund—state appropriation for fiscal year 2005 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.

(13) \$2,700,000 of the general fund—state appropriation for fiscal year 2004 is provided solely to the department of natural resources to acquire approximately 232 acres of land and timber in Klickitat county from the SDS lumber company. Expenditure of the moneys provided in this subsection shall

not be made until the SDS lumber company accepts the land and timber acquisition as full and complete settlement of the current litigation brought by the SDS lumber company against the state and the litigation is dismissed, with prejudice. The land and timber acquired with the funding in this subsection shall be managed for the benefit of the common schools. By June 30, 2004, if the department has not recovered through trust asset management the state's capital investment from the land acquisition provided in this subsection, the department shall seek reimbursement from the federal government.

(14) \$265,000 of the aquatic lands enhancement account appropriation is provided solely for developing a pilot project to study the feasibility of geoduck aquaculture on both intertidal and subtidal lands in the state of Washington.

(15) \$60,000 of the general fund—state appropriation for fiscal year 2004 is provided solely for habitat restoration work in the Loomis natural resource area.

(16) \$200,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for providing public access to camp sites and trails maintained by the department. This additional funding, along with existing funding from the off road vehicle account is intended to fully fund current access to camp sites and trails. If additional funding is required to avoid closures to camp sites and trails during the 2003-05 biennium, the department shall reduce expenditures for agency administration by five percent and redeploy those general fund resources to the recreation program prior to closing any camp sites or trails.

(17) \$40,000 of the aquatic lands enhancement account appropriation is provided solely for the department to (a) calculate the rent for DNR-leased marinas based on a percentage of a marina's income and (b) recommend an appropriate formula to the 2005 legislature.

(18)(a) \$2,000,000 of the general fund—state appropriation for fiscal year 2005, \$750,000 of the state toxics control account—state appropriation, and \$2,000,000 of the aquatic lands enhancement account—state appropriation are provided solely for the purpose of settling *Pacific Sound Resources v. Burlington Northern Santa Fe Railroad, et al.* In the event: (i) A final settlement agreement is not signed by the port of Seattle, Pacific Sound Resources, and the department of natural resources by March 25, 2004; or (ii) the U.S. environmental protection agency, or the department of justice if necessary, fail to settle with the state and the department and provide a covenant not to sue and contribution protection with no additional consideration required, then \$550,000 of the general fund—state appropriation for fiscal year 2005 shall be available to use to fund the existing PSR litigation and the remainder of the amounts provided in this subsection (a) shall lapse.

(b) \$300,000 of the general fund—state appropriation for fiscal year 2004 is provided solely for legal defense costs in *Pacific Sound Resources v. Burlington Northern Santa Fe Railroad et al.*

Sec. 1206. 2004 c 276 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund—State Appropriation (FY 2004)	\$7,636,000
General Fund—State Appropriation (FY 2005)	(\$10,941,000)
	<u>\$11,019,000</u>
General Fund—Federal Appropriation	\$10,068,000
General fund—Private/Local Appropriation	\$1,110,000

Aquatic Lands Enhancement Account—State	
Appropriation.	(((\$2,027,000))
	<u>\$2,149,000</u>
Water Quality Account—State Appropriation	\$692,000
State Toxics Control Account—State	
Appropriation.	\$2,780,000
Water Quality Permit Account—State Appropriation	\$165,000
TOTAL APPROPRIATION	(\$35,419,000)
	<u>\$35,619,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$37,000 of the general fund—state appropriation for fiscal year 2004 and \$37,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for implementation of the Puget Sound work plan and agency action item WSDA-01.

(2) Fees and assessments approved by the department in the 2003-05 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(3) \$165,000 of the water quality permit account—state appropriation and \$692,000 of the water quality account—state appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5889 (animal feeding operations), chapter 325, Laws of 2003.

(4) \$53,000 of the general fund—state appropriation for fiscal year 2004 and \$15,000 of the general fund—state appropriation for fiscal year 2005 are provided solely to implement Engrossed Substitute House Bill No. 1754 (chickens), chapter 397, Laws of 2003.

(5) \$42,000 of the general fund—state appropriation for fiscal year 2004 and \$287,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for animal identification, food safety, and commercial feed inspection programs.

(6) \$150,000 of the general fund—state appropriation for fiscal year 2004 is provided solely for response costs to the discovery of bovine spongiform encephalopathy in a Washington dairy cow.

(7) \$630,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the "from the heart of Washington" campaign, southeast Asia/China trade representatives, domestic marketing/economic development, food and agriculture industry security, and for the small farm and direct marketing program.

(8) \$85,000 of the aquatic lands enhancement account appropriation is provided solely for spartina eradication efforts in Willapa Bay and Grays Harbor.

(9) \$330,000 of the general fund—state appropriation for fiscal year 2005 is provided solely to contract with Washington State University for research and development activities related to asparagus harvesting and automation technology.

(10) \$1,500,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the purchase of agricultural products packing equipment. The department shall negotiate an appropriate agreement with the agricultural industry for the use of the equipment.

(11) \$500,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for control of Japanese knotweed in Washington state.

**PART XIII
TRANSPORTATION**

Sec. 1301. 2004 c 276 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund—State Appropriation (FY 2004)	\$20,005,000
General Fund—State Appropriation (FY 2005)	(\$18,855,000)
	<u>\$21,702,000</u>
General Fund—Federal Appropriation	(\$4,240,000)
	<u>\$4,490,000</u>
General Fund—Private/Local Appropriation	\$378,000
Death Investigations Account—State	
Appropriation	\$4,489,000
Public Safety and Education Account—State	
Appropriation	\$21,969,000
Enhanced 911 Account—State Appropriation	\$612,000
County Criminal Justice Assistance Account—State	
Appropriation	\$2,649,000
Municipal Criminal Justice Assistance Account—	
State Appropriation	\$1,087,000
Fire Service Trust Account—State	
Appropriation	\$125,000
Fire Service Training Account—State	
Appropriation	\$7,374,000
State Toxics Control Account—State	
Appropriation	\$436,000
Violence Reduction and Drug Enforcement Account—	
State Appropriation	\$286,000
Fingerprint Identification Account—State	
Appropriation	\$5,393,000
TOTAL APPROPRIATION	(\$87,898,000)
	<u>\$90,995,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$750,000 of the fire service training account—state appropriation is provided solely for the implementation of Senate Bill No. 5176 (fire fighting training). If the bill is not enacted by June 30, 2003, the amount provided in this subsection shall lapse.

(2) \$200,000 of the fire service training account—state appropriation is provided solely for two FTE's in the office of state fire marshal to exclusively review K-12 construction documents 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 capabilities.

(3) \$376,000 of the public safety and education account—state appropriation is provided solely for additional DNA testing kits.

(4) \$276,000 of the fingerprint identification account—state appropriation is provided solely for the implementation of Substitute House Bill No. 2532 (modifying commercial driver's license provisions). If the bill is not enacted by June 30, 2004, the amount provided in this subsection shall lapse.

**PART XIV
EDUCATION**

Sec. 1401. 2004 c 276 s 501 (uncodified) is amended to read as follows:
FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

(1) STATE AGENCY OPERATIONS

General Fund—State Appropriation (FY 2004)	\$11,615,000
General Fund—State Appropriation (FY 2005)	(\$11,846,000)
	<u>\$12,011,000</u>
General Fund—Federal Appropriation	(\$26,968,000)
	<u>\$28,635,000</u>
TOTAL APPROPRIATION	(\$50,429,000)
	<u>\$52,261,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(a) \$10,771,000 of the general fund—state appropriation for fiscal year 2004 and \$10,768,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(b) \$428,000 of the general fund—state appropriation for fiscal year 2004 and \$428,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$416,000 of the general fund—state appropriation for fiscal year 2004 and \$476,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the operation and expenses of the Washington professional educator standards board. Within the amounts provided, the Washington professional educator standards board (WPESB) shall submit a report regarding specific implementation strategies to strengthen mathematics initiatives by improving teacher knowledge and skill development including: (i) Teacher preparation program approval standard changes; (ii) teacher certification

requirement changes and the development of new expertise credentials; (iii) state-established standards to guide the approval of professional development providers and offerings related to mathematics; and (iv) other related recommendations. The WPESB shall base the recommendations on determinations of the status of teacher preparation and professional development opportunities and work with appropriate parties. The WPESB shall submit the report to the governor, superintendent of public instruction, state board of education, and the education and fiscal committees of the legislature by November 1, 2004.

~~(d) (\$130,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5012 or Second Substitute House Bill No. 2295 (charter schools). If neither bill is enacted by June 30, 2004, the amount provided in this subsection shall lapse.~~

~~(e))~~ The department of social and health services, the office of the superintendent of public instruction, and the department of health should work together to identify opportunities for early intervention and prevention activities that can help prevent disease and reduce oral health issues among children. Disease prevention among infants at the age of one year and among children entering the K-12 education system provide cost-effective ways to avoid higher health spending later in life.

~~((f))~~ ~~(e)~~ \$44,000 of the general fund—state appropriation for fiscal year 2005 is provided solely to implement Substitute Senate Bill No. 6171 (complaints against school employees) or Second Substitute Senate Bill No. 5533 (disclosure of misconduct). If neither bill is enacted by June 30, 2004, the amount provided in this subsection shall lapse.

(f) \$295,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for increased attorney general fees related to *School Districts' Alliance for Adequate Funding of Special Education et al. v State of Washington et al.*, Thurston County Superior Court Cause No. 04-2-02000-7.

(2) STATEWIDE PROGRAMS

General Fund—State Appropriation (FY 2004)	\$8,676,000
General Fund—State Appropriation (FY 2005)	\$9,885,000
General Fund—Federal Appropriation	(\$61,656,000)
	<u>\$63,394,000</u>
TOTAL APPROPRIATION	(\$80,217,000)
	<u>\$81,955,000</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 \$2,541,000 of the general fund—state appropriation for fiscal year 2004 and a maximum of \$2,541,000 of the general fund—state appropriation for fiscal year 2005 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.

(ii) A maximum of \$96,000 of the general fund—state appropriation for fiscal year 2004 and a maximum of \$96,000 of the general fund—state appropriation for fiscal year 2005 are provided for the school safety center in the office of the superintendent of public instruction 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 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.

(iii) A maximum of \$100,000 of the general fund—state appropriation for fiscal year 2004 and a maximum of \$100,000 of the general fund—state appropriation for fiscal year 2005 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.

(iv) \$12,917,000 of the general fund—federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(v) A maximum of \$146,000 of the general fund—state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund—state appropriation for fiscal year 2005 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.

(b) TECHNOLOGY

A maximum of \$1,939,000 of the general fund—state appropriation for fiscal year 2004 and a maximum of \$1,939,000 of the general fund—state appropriation for fiscal year 2005 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 videoconferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(c) GRANTS AND ALLOCATIONS

(i) \$16,000 of the fiscal year 2004 appropriation and \$689,000 of the fiscal year 2005 appropriation are provided solely for the special services pilot projects provided by Second Substitute House Bill No. 2012 (special services pilot program). The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of section 2 subsection (4) of Second Substitute House Bill No. 2012, chapter 33, Laws of 2003.

(ii) A maximum of \$761,000 of the general fund—state appropriation for fiscal year 2004 and a maximum of \$1,097,000 of the general fund—state appropriation for fiscal year 2005 are provided for alternative certification routes. Funds may be used by the professional educator standards board to continue existing alternative-route grant programs and to create new alternative-route programs in regions of the state with service shortages.

(iii) A maximum of \$31,000 of the general fund—state appropriation for fiscal year 2004 and a maximum of \$31,000 of the general fund—state appropriation for fiscal year 2005 are provided for operation of the Cispus environmental learning center.

(iv) A maximum of \$1,224,000 of the general fund—state appropriation for fiscal year 2004 and a maximum of \$1,224,000 of the general fund—state appropriation for fiscal year 2005 are provided for in-service training and educational programs conducted by the Pacific Science Center.

(v) A maximum of \$1,079,000 of the general fund—state appropriation for fiscal year 2004 and a maximum of \$1,079,000 of the general fund—state appropriation for fiscal year 2005 are provided for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific Science Center.

(vi) A maximum of \$97,000 of the general fund—state appropriation for fiscal year 2004 and a maximum of \$97,000 of the general fund—state appropriation for fiscal year 2005 are provided to support vocational student leadership organizations.

(vii) A maximum of \$146,000 of the general fund—state appropriation for fiscal year 2004 and a maximum of \$146,000 of the general fund—state appropriation for fiscal year 2005 are provided for the Washington civil liberties education program.

(viii) \$500,000 of the general fund—state appropriation for fiscal year 2004 and \$500,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(ix) \$25,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the school safety center advisory committee to identify instructional materials and resources for students, parents, and teachers that are designed to prevent the abduction of children.

(x) \$75,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for deposit in the natural science, wildlife, and environmental partnership account—state for the grant program established in chapter 22, Laws of 2003 (ESHB 1466).

(xi) \$100,000 of the general fund—state appropriation for fiscal year 2005 is provided solely as one-time funding for the Washington virtual classroom consortium administered by the Quillayute valley school district.

(xii) \$1,650,000 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.

(xiii) \$9,953,000 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.

(xiv) (~~(\$12,941,000)~~) \$14,679,000 of the general fund—federal appropriation is provided for 21st century learning center grants, providing after-school and inter-session activities for students.

Sec. 1402. 2004 c 276 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT

General Fund—State Appropriation (FY 2004)	\$3,976,507,000
General Fund—State Appropriation (FY 2005)	((\$3,988,649,000))
	<u>\$3,987,326,000</u>
TOTAL APPROPRIATION	((\$7,965,156,000))
	<u>\$7,963,833,000</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 for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2003-04 and 2004-05 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 0.8 certificated instructional staff units for the 2003-04 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 54.0 certificated instructional staff per thousand full-time equivalent students in the 2003-04 school year and 53.2 certificated instructional staff per thousand full-time equivalent students in the 2004-05 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 54.0 funding ratio in the 2003-04 school year, and up to 1.3 of the 53.2 funding ratio in the 2004-05 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 54.0 certificated instructional staff per thousand full-time equivalent students in the 2003-04 school year and 53.2 certificated instructional staff per thousand full-time equivalent students in the 2004-05 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;

(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) 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 2003-04 and 2004-05 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 9.68 percent in the 2003-04 school year and (~~(9.69)~~) 9.66 percent in the 2004-05 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 12.25 percent in the 2003-04 school year and (~~(12.25)~~) 12.22 percent in the 2004-05 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(2) 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 \$8,785 per certificated staff unit in the 2003-04 school year and a maximum of \$8,855 per certificated staff unit in the 2004-05 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 \$21,573 per certificated staff unit in the 2003-04 school year and a maximum of \$21,746 per certificated staff unit in the 2004-05 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 \$16,739 per certificated staff unit in the 2003-04 school year and a maximum of \$16,873 per certificated staff unit in the 2004-05 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$531.09 for the 2003-04 and 2004-05 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 \$6,385,000 outside the basic education formula during fiscal years 2004 and 2005 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 \$495,000 may be expended in fiscal year 2004 and a maximum of \$499,000 may be expended in fiscal year 2005;

(b) For summer vocational programs at skills centers, a maximum of \$2,035,000 may be expended for the 2004 fiscal year and a maximum of \$2,035,000 for the 2005 fiscal year;

(c) A maximum of \$351,000 may be expended for school district emergencies; and

(d) A maximum of \$485,000 each fiscal year 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 is 3.4 percent from the 2002-03 school year to the 2003-04 school year and 2.5 percent from the 2003-04 school year to the 2004-05 school year.

(11) 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.

~~((12) \$401,000 of the general fund state appropriation for fiscal year 2005 is provided solely for the implementation of Second Engrossed Substitute Senate Bill No. 5012 or Second Substitute House Bill No. 2295 (charter schools). If neither bill is enacted by June 30, 2004, the amount provided in this subsection shall lapse.))~~

Sec. 1403. 2004 c 276 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) 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 by the district's average staff mix factor for certificated instructional staff in that school year, computed using

LEAP Document 1Sa for the 2003-04 school year and LEAP Document 1Sb for the 2004-05 school year; and

(b) 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.

(2) For the purposes of this section:

(a) "LEAP Document 1Sa" means the computerized tabulation establishing staff mix factors for certificated instructional staff for the 2003-04 school year according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours;

(b) "LEAP Document 1Sb" means the computerized tabulation establishing staff mix factors for certificated instructional staff for the 2004-05 school year according to education and years of experience, as developed by the legislative evaluation and accountability program committee on March 31, 2003, at 09:06 hours; and

(c) "LEAP Document 12E" means the computerized tabulation of 2003-04 and 2004-05 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 31, 2003, at 09:06 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 9.04 percent for school year 2003-04 and (~~(9.05)~~) 9.02 percent for school year 2004-05 for certificated staff and for classified staff 8.75 percent for school year 2003-04 and (~~(8.75)~~) 8.72 percent for the 2004-05 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 Allocation Schedule For Certificated Instructional Staff
2003-04 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	29,149	29,936	30,752	31,568	34,192	35,881	34,947	37,570	39,262
1	29,540	30,339	31,165	32,019	34,669	36,350	35,335	37,985	39,665
2	30,060	30,870	31,709	32,633	35,289	36,995	35,901	38,556	40,262
3	30,747	31,574	32,429	33,392	36,069	37,833	36,630	39,306	41,071
4	31,285	32,151	33,017	34,018	36,724	38,510	37,208	39,914	41,701
5	31,840	32,716	33,594	34,655	37,365	39,196	37,798	40,509	42,340
6	32,251	33,108	34,016	35,131	37,827	39,667	38,213	40,910	42,750
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836
8	34,202	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172
9		36,272	37,266	38,591	41,443	43,481	41,656	44,510	46,548
10			38,477	39,898	42,788	44,894	42,964	45,855	47,960
11				41,243	44,196	46,344	44,309	47,263	49,410
12				42,545	45,642	47,854	45,707	48,708	50,921
13					47,123	49,401	47,154	50,189	52,467

14	48,611	51,006	48,644	51,775	54,073
15	49,876	52,333	49,908	53,121	55,479
16 or More	50,873	53,379	50,906	54,183	56,588

K-12 Salary Allocation Schedule For Certificated Instructional Staff
2004-05 School Year

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	30,023	30,834	31,674	32,516	35,218	36,958	35,995	38,697	40,439
1	30,427	31,249	32,100	32,979	35,709	37,440	36,395	39,125	40,855
2	30,812	31,642	32,502	33,449	36,171	37,920	36,798	39,520	41,269
3	31,209	32,047	32,916	33,893	36,610	38,401	37,180	39,895	41,687
4	31,598	32,473	33,347	34,358	37,091	38,895	37,580	40,313	42,118
5	32,000	32,879	33,762	34,829	37,552	39,392	37,987	40,711	42,551
6	32,413	33,273	34,186	35,306	38,016	39,866	38,404	41,114	42,963
7	33,139	34,012	34,937	36,118	38,868	40,769	39,185	41,934	43,836
8	34,202	35,122	36,069	37,348	40,135	42,106	40,414	43,202	45,172
9		36,272	37,266	38,591	41,443	43,481	41,656	44,510	46,548
10			38,477	39,898	42,788	44,894	42,964	45,855	47,960
11				41,243	44,196	46,344	44,309	47,263	49,410
12				42,545	45,642	47,854	45,707	48,708	50,921
13					47,123	49,401	47,154	50,189	52,467
14					48,611	51,006	48,644	51,775	54,073
15					49,876	52,333	49,908	53,121	55,479
16 or More					50,873	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 two learning improvement days. A school district is eligible for the learning improvement day funds only if the learning improvement days have been added to the 180-day contract year. If fewer 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), subsection (7) of this section, and section 504(1) of this act.

Sec. 1404. 2004 c 276 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund—State Appropriation (FY 2004)	\$28,604,000
General Fund—State Appropriation (FY 2005)	(\$132,202,000)
	<u>\$132,232,000</u>
General Fund—Federal Appropriation	(\$663,000)
	<u>\$655,000</u>
TOTAL APPROPRIATION	(\$161,469,000)
	<u>\$161,491,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$8,944,000 of the general fund—state appropriation for fiscal year 2004 and ~~(\$20,339,000)~~ \$20,366,000 of the general fund—state appropriation for fiscal year 2005 are provided solely to provide a salary adjustment for state formula certificated instructional staff units in their first seven years of service. Consistent with the statewide certificated instructional staff salary allocation schedule in section 503 of this act, sufficient funding is provided to increase the salary of certificated instructional staff units in the 2003-04 school year and the 2004-05 school year by the following percentages: Three percent for certificated instructional staff in their first and second years of service; two and one-half percent for certificated instructional staff in their third year of service; one and one-half percent for certificated instructional staff in their fourth year of service; one percent for certificated instructional staff in their fifth year of service; and one-half of a percent for certificated instructional staff in their sixth and seventh years of service. These increases will take effect September 1, 2003 and September 1, 2004.

(a) In order to receive funding provided in this subsection, school districts shall certify to the office of superintendent of public instruction that they will provide the percentage increases in the amounts specified in this subsection. In

cases where a school district providing the increases in the amounts specified in this subsection would cause that school district to be out of compliance with RCW 28A.400.200, they may provide salary increases in different amounts but only to the extent necessary to come into compliance with RCW 28A.400.200. Funds provided in this subsection shall be used exclusively for providing the percentage increases specified in this subsection to the certificated staff units in their first seven years of service and shall not be used to supplant any other state or local funding for compensation for these staff.

(b) The appropriations include associated incremental fringe benefit allocations at rates of 9.04 percent for school year 2003-04 and (~~(9.05)~~) 9.02 percent for school year 2004-05 for certificated staff. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 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 sections 502 and 503 of this act.

(2) (~~(\$5,452,000)~~) \$5,443,000 of the general fund—state appropriation is provided solely to provide a salary adjustment for state formula classified units of one percent effective September 1, 2004, and (~~(\$126,598,000)~~) \$126,605,000 is provided solely for adjustments to insurance benefit allocations.

(a)(i) In order to receive funding provided in this subsection for salary adjustments for state formula classified units, school districts shall certify to the office of superintendent of public instruction that they will provide the percentage increases in the amounts specified in this subsection. Funds provided in this subsection for this purpose shall be used exclusively for providing the percentage increases specified in this subsection to classified staff units and shall not be used to supplant any other state or local funding for compensation for these staff.

(ii) The appropriations include associated incremental fringe benefit allocations at rates of (~~(8.75)~~) 8.72 percent for the 2004-05 school year for classified staff. The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in this part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 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 sections 502 and 503 of this act.

(b) The maintenance rate for insurance benefit allocations is \$457.07 per month for the 2003-04 and 2004-05 school years. The appropriations in this section provide for a rate increase to \$481.31 per month for the 2003-04 school year and \$582.47 per month for the 2004-05 school year.

(3) The appropriations in this section provide salary adjustments and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.00	\$0.22
Highly Capable (per formula student)	\$0.93	\$1.89
Transitional Bilingual Education (per eligible bilingual student)	\$2.45	\$4.97
Learning Assistance (per entitlement unit)	\$0.69	\$2.94

(4) The adjustments to insurance benefit allocations are at the following rates:

	School Year	
	2003-04	2004-05
Pupil Transportation (per weighted pupil mile)	\$0.22	\$1.14
Highly Capable (per formula student)	\$1.52	\$7.72
Transitional Bilingual Education (per eligible bilingual student)	\$3.92	\$20.30
Learning Assistance (per entitlement unit)	\$3.08	\$15.95

(5) The rates specified in this section are subject to revision each year by the legislature.

Sec. 1405. 2004 c 276 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund—State Appropriation (FY 2004)	\$215,454,000
General Fund—State Appropriation (FY 2005)	(\$219,899,000)
	<u>\$232,295,000</u>
TOTAL APPROPRIATION	(\$435,353,000)
	<u>\$447,749,000</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 for prior fiscal year adjustments.

(2) A maximum of \$768,000 of this fiscal year 2004 appropriation and a maximum of \$774,000 of the fiscal year 2005 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) \$5,000 of the fiscal year 2004 appropriation and \$5,000 of the fiscal year 2005 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 \$39.21 per weighted mile in the 2003-04 school year and \$39.30 per weighted mile in the 2004-05 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.

(5) For busses purchased between July 1, 2003, and June 30, 2004, the office of superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195. The competitive specifications shall meet federal motor vehicle safety standards, minimum state specifications as established by rule by the superintendent, and supported options as determined by the superintendent in consultation with the regional transportation coordinators of the educational service districts.

Sec. 1406. 2004 c 276 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund—State Appropriation (FY 2004)	\$3,100,000
General Fund—State Appropriation (FY 2005)	\$3,100,000
General Fund—Federal Appropriation	(\$252,128,000)
	<u>268,293,000</u>
TOTAL APPROPRIATION	(\$258,328,000)
	<u>\$274,493,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,000,000 of the general fund—state appropriation for fiscal year 2004 and \$3,000,000 of the general fund—state appropriation for fiscal year 2005 are provided for state matching money for federal child nutrition programs.

(2) \$100,000 of the general fund—state appropriation for fiscal year 2004 and \$100,000 of the 2005 fiscal year appropriation are provided for summer food programs for children in low-income areas.

Sec. 1407. 2004 c 276 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2004)	\$435,061,000
General Fund—State Appropriation (FY 2005)	(\$426,802,000)
	<u>\$430,000,000</u>
General Fund—Federal Appropriation	(\$426,450,000)

	<u>\$426,218,000</u>
TOTAL APPROPRIATION	((\$1,288,313,000))
	<u>\$1,291,279,000</u>

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) The superintendent of public instruction shall use the excess cost methodology developed and implemented for the 2001-02 school year using 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) The S-275 and accounting changes in effect since the 2001-02 school year shall supercede any prior excess cost methodologies and shall be required of all school districts.

(3) Each 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 and federal 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 2003-04 and 2004-05 school years, the superintendent shall 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.

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 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) To the extent necessary, \$25,746,000 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 (8), 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.

(9) 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.

(10) 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; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) 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.

(12) \$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.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. 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.

(14) 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.

(15) A school district may carry over from one year to the next year up to 10 percent of the general fund—state funds allocated under this program; however, carry over funds shall be expended in the special education program.

Sec. 1408. 2004 c 276 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund—State Appropriation (FY 2004)	\$3,538,000
General Fund—State Appropriation (FY 2005)	(\$3,538,000)
	<u>\$3,537,000</u>
TOTAL APPROPRIATION	(\$7,076,000)
	<u>\$7,075,000</u>

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) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 1409. 2004 c 276 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR LOCAL EFFORT ASSISTANCE

General Fund—State Appropriation (FY 2004)	\$163,049,000
General Fund—State Appropriation (FY 2005)	(\$165,578,000)
	<u>\$164,860,000</u>
TOTAL APPROPRIATION	(\$328,627,000)
	<u>\$327,909,000</u>

Sec. 1410. 2004 c 276 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund—State Appropriation (FY 2004)	\$18,207,000
General Fund—State Appropriation (FY 2005)	(\$18,176,000)
	<u>\$18,313,000</u>
TOTAL APPROPRIATION	(\$36,383,000)
	<u>\$36,520,000</u>

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) \$190,000 of the general fund—state appropriation for fiscal year 2004 and \$142,000 of the general fund—state appropriation for fiscal year 2005 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. 1411. 2004 c 276 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund—State Appropriation (FY 2004)	\$6,620,000
General Fund—State Appropriation (FY 2005)	(\$6,632,000)
	<u>\$6,683,000</u>
TOTAL APPROPRIATION	(\$13,252,000)
	<u>\$13,303,000</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 for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$334.89 per funded student for the 2003-04 school year and (~~(\$334.94)~~) \$334.85 per funded student for the 2004-05 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) \$170,000 of the fiscal year 2004 appropriation and \$170,000 of the fiscal year 2005 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2004 appropriation and \$90,000 of the fiscal year 2005 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

Sec. 1412. 2004 c 276 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—EDUCATION REFORM PROGRAMS

General Fund—State Appropriation (FY 2004)	\$38,417,000
General Fund—State Appropriation (FY 2005)	(\$37,709,000)
	<u>\$37,270,000</u>
General Fund—Federal Appropriation	(\$164,087,000)
	<u>\$128,906,000</u>
TOTAL APPROPRIATION	(\$240,213,000)
	<u>\$204,593,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$310,000 of the general fund—state appropriation for fiscal year 2004 and \$310,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the academic achievement and accountability commission.

(2) \$15,486,000 of the general fund—state appropriation for fiscal year 2004, \$13,103,000 of the general fund—state appropriation for fiscal year 2005, and (~~(\$12,310,000))~~ \$14,009,000 of the general fund—federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL, development of alternative assessments or appeals procedures to implement the certificate of academic achievement, and independent research on the alignment and technical review of reading, writing, and science.

(3) \$548,000 of the fiscal year 2004 general fund—state appropriation and \$548,000 of the fiscal year 2005 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) \$2,348,000 of the general fund—state appropriation for fiscal year 2004 and \$2,348,000 of the general fund—state appropriation for fiscal year 2005 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) \$1,959,000 of the general fund—state appropriation for fiscal year 2004 and \$1,959,000 of the general fund—state appropriation for fiscal year 2005 are provided solely 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) \$3,594,000 of the general fund—state appropriation for fiscal year 2004 and \$3,594,000 of the general fund—state appropriation for fiscal year 2005 are provided solely 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 2004 and \$2,500,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the meals for kids program under RCW 28A.235.145 through 28A.235.155.

(8) \$705,000 of the general fund—state appropriation for fiscal year 2004 and \$705,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

(9) A maximum of \$250,000 of the general fund—state appropriation for fiscal year 2004 and a maximum of \$250,000 of the general fund—state appropriation for fiscal year 2005 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, social studies, including civics, and guidance and counseling.

(10) \$3,713,000 of the general fund—state appropriation for fiscal year 2004 and \$3,713,000 of the general fund—state appropriation for fiscal year 2005 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 that may include research-based reading skills development software 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, intercessions, 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, ongoing 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;

(v) It contains an evaluation component to determine the effectiveness of the program; and

(vi) The program may include a software-based solution to increase the student/tutor ratio to a minimum of 5:1. The selected software program shall be scientifically researched-based.

(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 2003 through August 31, 2005.

(11) \$1,313,000 of the general fund—state appropriation for fiscal year 2004 and (~~(\$2,473,000)~~) \$2,034,000 of the general fund—state appropriation for

fiscal year 2005 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:

(a) Teachers who hold a valid certificate from the national board during the 2003-04 or 2004-05 school years shall receive an annual bonus not to exceed \$3,500 in each of these school years in which they hold a national board certificate.

(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).

(12) \$313,000 of the general fund—state appropriation for fiscal year 2004 and \$313,000 of the general fund—state appropriation for fiscal year 2005 are provided solely 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.

(13) \$126,000 of the general fund—state appropriation for fiscal year 2004 and \$126,000 of the general fund—state appropriation for fiscal year 2005 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.

(14) \$3,046,000 of the general fund—state appropriation for fiscal year 2004 and \$3,046,000 of the general fund—state appropriation for fiscal year 2005 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. 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.

(15) \$1,764,000 of the general fund—state appropriation for fiscal year 2004 and \$1,764,000 of the general fund—state appropriation for fiscal year 2005 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 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.

(16) \$125,000 of the general fund—state appropriation for fiscal year 2004 and \$125,000 of the general fund—state appropriation for fiscal year 2005 are provided for the Tukwila school district and the Selah school district for a two-year project designed to improve the districts' performance in reading and math and to close the achievement gap within the district, subject to the following conditions and limitations:

(a) Funds shall be allocated to all schools within the Tukwila school district and Selah school district to implement proven, research-based reading and math intervention software for low-performing students in grades K-12.

(b) The programs may be implemented before, during, or after the regular school day, on Saturdays, or summer intercessions.

(c) A program is eligible for funding if it meets the following conditions:

(i) The program employs methods of teaching and student learning based on reliable research and best practices;

(ii) The program design is comprehensive and includes instruction, ongoing student assessment, professional development, and program management aligned with the district's reading and math curriculum;

(iii) The program provides quality professional development and training for teachers, staff, and volunteer mentors or tutors;

(iv) The program contains an evaluation component to determine the effectiveness of the program, which will be reported to the legislature and the superintendent of public instruction on an annual basis for the duration of the project.

(d) 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 program.

(e) All materials related to the project shall be retained by the district at the end of the two-year term.

(17) \$515,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the math initiative. The office of the superintendent of public instruction shall evaluate textbooks and other instructional materials for math to determine the extent to which they are aligned with the state standards. A scorecard of the analysis shall be made available to school districts. The

superintendent shall also develop and disseminate information on essential components of comprehensive, school-based math programs and shall work with mentor teachers from around the state to develop guidelines for eligibility, training, and professional development for mentor math teachers.

(18) (~~(\$87,901,000)~~) \$88,942,000 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.

(19) \$25,955,000 of the general fund—federal appropriation is provided for the reading first program under Title I of the no child left behind act.

Sec. 1413. 2004 c 276 s 514 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund—State Appropriation (FY 2004)	\$50,678,000
General Fund—State Appropriation (FY 2005)	(\$54,050,000)
	<u>\$54,138,000</u>
General Fund—Federal Appropriation (FY 2005)	\$44,544,000
TOTAL APPROPRIATION	(\$149,272,000)
	<u>\$149,360,000</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 for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$725.11 per eligible bilingual student in the 2003-04 school year and (~~(\$725.17)~~) \$724.99 in the 2004-05 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to \$700,000 in school year 2003-04 and up to \$700,000 in school year 2004-05, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$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) The general fund—federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

Sec. 1414. 2004 c 276 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund—State Appropriation (FY 2004)	\$64,366,000
General Fund—State Appropriation (FY 2005)	(\$62,929,000)
	<u>\$62,966,000</u>
General Fund—Federal Appropriation	(\$301,322,000)
	<u>\$310,314,000</u>
TOTAL APPROPRIATION	(\$428,617,000)

\$437,646,000

(1) The general fund—state appropriations in this section are subject to the following conditions and limitations:

(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.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$432.15 per funded unit for the 2003-04 school year and (~~(\$432.53)~~) \$432.44 per funded unit for the 2004-05 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(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.

(d) A school district's general fund—state funded units shall be the sum of the following:

(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 0.82. As the 3rd grade test becomes available, it shall be phased into the 5-year average on a 1-year lag;

(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 0.82. As the 6th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(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 0.82. As the 9th grade test becomes available, it shall be phased into the 5-year average for these grades on a 1-year lag;

(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; and

(v) In addition to amounts allocated under (d) of this subsection, for school districts in which the effective Title I Part A (basic program) increase is insufficient to cover the formula change in the multiplier from .92 to .82, a state allocation shall be provided that, when combined with the effective increase in federal Title I Part A (basic program) funds from the 2001-02 school year, is sufficient to cover this amount. The effective Title I Part A (basic program) increase is the current school year federal Title I Part A (basic program) allocation minus the 2001-02 school year federal Title I Part A (basic program) allocation, after the 2001-02 Title I Part A allocation has been inflated by three percent.

(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.

(3) A school district may carry over from one year to the next up to 10 percent of the general fund—state funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

Sec. 1415. 2004 c 276 s 516 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Fund—State	
Appropriation (FY 2004)	\$214,107,000
Student Achievement Fund—State	
Appropriation (FY 2005)	(\$195,535,000)
	<u>\$195,512,000</u>
TOTAL APPROPRIATION	(\$409,642,000)
	<u>\$409,619,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$219.32 per FTE student for the 2003-04 school year and \$254.00 per FTE student for the 2004-05 school year. For the purposes of this section and in accordance with 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.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(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 extended 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).

(3) For the 2003-04 school year, the office of the superintendent of public instruction shall distribute ten percent of the school year allocation to districts each month for the months of September through June. For the 2004-05 school year, the superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

NEW SECTION. Sec. 1416. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) Appropriations made in this act to the office of superintendent of public instruction 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 subsection (2) of this section.

(2) The appropriations to the office of superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, 2005, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year 2005 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section.

**PART XV
HIGHER EDUCATION**

Sec. 1501. 2004 c 276 s 603 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund—State Appropriation (FY 2004)	\$311,628,000
General Fund—State Appropriation (FY 2005)	\$325,668,000
General Fund—Private/Local Appropriation	\$300,000
((Death Investigations Account—State	
Appropriation	(\$261,000))
Accident Account—State Appropriation	\$5,937,000
Medical Aid Account—State Appropriation	\$5,960,000
TOTAL APPROPRIATION	<u>(\$649,754,000)</u>
	<u>\$649,493,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,875,000 of the general fund—state appropriation for fiscal year 2004 and \$1,875,000 of the general fund—state appropriation for fiscal year 2005 are provided solely to create a state resource for technology education in the form of an institute located at the University of Washington, Tacoma. The university will continue to provide 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 2004 as to its progress and future steps.

(2) \$150,000 of the general fund—state appropriation for fiscal year 2004 and \$150,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for research faculty clusters in the advanced technology initiative program.

~~(3) ((The entire death investigations account appropriation is provided for the forensic pathologist fellowship program.~~

~~(4))~~ (4) \$150,000 of the general fund—state appropriation for fiscal year 2004 and \$150,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the implementation of the Puget Sound work plan and agency action item UW-01.

~~((5))~~ (4) \$75,000 of the general fund—state appropriation for fiscal year 2004 and \$75,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for the Olympic natural resources center.

~~((6))~~ (5) \$1,526,000 of the general fund—state appropriation for fiscal year 2004 and \$3,096,000 of the general fund—state appropriation for fiscal year 2005 are 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.

~~((7))~~ (6) \$1,250,000 of the general fund—state appropriation for fiscal year 2004 and \$1,250,000 of the general fund—state appropriation for fiscal year 2005 are provided solely for state match to attract or retain federal research grants in high demand and technologically advanced fields.

~~((8))~~ (7) \$300,000 of the general fund—private/local appropriation is provided solely for shellfish biotoxin monitoring as specified in Chapter 263, Laws of 2003 (SSB 6073, shellfish license fee).

~~((9))~~ (8) \$2,275,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for a proteomics center and an autism center. Of the amount provided in this subsection, \$1,600,000 is provided solely for the University of Washington school of medicine for recruitment of biosciences research faculty to establish a proteomics center and \$675,000 is provided solely as one-time funding to establish an autism center at the University of Washington Tacoma campus. The amount provided for the proteomics center is

contingent on receipt of \$6,000,000 in one-time, nonstate matching funds. If the nonstate matching funds are not received by June 30, 2005, \$1,600,000 of the amount provided in this subsection shall lapse.

~~((+H))~~ (9) \$1,897,000 of the general fund—state appropriation for fiscal year 2005 is provided solely for the training and support of primary care physicians and primary care providers through the network of family practice residency programs. All of the funding provided in this section shall be distributed directly to the family practice residency programs to assist with cost increases experienced by the programs, including the cost of medical malpractice premiums.

~~((+H))~~ (10) The University of Washington shall present a preliminary report to the fiscal committees of the legislature detailing the use of state research funds by November 1, 2004, and shall present a final report by November 1, 2005. For each research project supported by the state general fund in the 2003-05 biennium, including projects funded in the university's base budget, the report shall include: (a) A brief description of the research project; (b) the amount of state and institutional funds contributed to the project; (c) the level of federal or other sources of match received for the state's investment; and (d) any other information deemed pertinent by the institution.

Sec. 1502. 2003 1st sp.s. c 25 s 617 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund—State Appropriation (FY 2004)	\$4,614,000
General Fund—State Appropriation (FY 2005)	(\$4,641,000)
	<u>\$4,656,000</u>
General Fund—Private/Local Appropriation	\$1,335,000
TOTAL APPROPRIATION	(\$10,590,000)
	<u>\$10,605,000</u>

**PART XVI
SPECIAL APPROPRIATIONS**

Sec. 1601. 2004 c 276 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 2004)	\$655,886,000
General Fund—State Appropriation (FY 2005)	(\$528,766,000)
	<u>\$527,566,000</u>
Debt-Limit General Fund Bond Retirement Account—	
State Appropriation	\$17,300,000
State Building Construction Account—State	
Appropriation	(\$8,922,000)
	<u>\$7,922,000</u>
Debt-Limit Reimbursable Bond Retirement Account—	
State Appropriation	\$2,587,000
State Taxable Building Construction Account—	
State Appropriation	\$465,000

Gardner-Evans Higher Education Construction Account—

State Appropriation	\$2,087,000
TOTAL APPROPRIATION	(\$1,216,013,000)
	<u>\$1,213,813,000</u>

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 2004 shall be deposited in the debt-limit general fund bond retirement account by June 30, 2004.

Sec. 1602. 2004 c 276 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 AS PRESCRIBED BY STATUTE

General Fund—State Appropriation (FY 2004)	\$26,394,000
General Fund—State Appropriation (FY 2005)	(\$24,805,000)
	<u>\$24,605,000</u>

Capitol Historic District Construction

Account—State Appropriation	\$323,000
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Higher Education Construction Account—State

Appropriation.	\$238,000
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State Vehicle Parking Account—State

Appropriation.	\$102,000
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Nondebt-Limit Reimbursable Bond Retirement Account—

State Appropriation	(\$128,375,000)
	<u>\$126,775,000</u>

TOTAL APPROPRIATION	(\$180,237,000)
	<u>\$178,437,000</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. 1603. 2004 c 276 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 BOND SALE EXPENSES

General Fund—State Appropriation (FY 2004)	\$526,000
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General Fund—State Appropriation (FY 2005)	\$526,000
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Higher Education Construction Account—State

Appropriation.	\$35,000
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State Building Construction Account—State

Appropriation.	(\$2,083,000)
	<u>\$1,083,000</u>

State Vehicle Parking Account—State

Appropriation.	\$17,000
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Capitol Historic District Construction

Account—State Appropriation	\$45,000
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State Taxable Building Construction Account—

State Appropriation	\$60,000
Gardner-Evans Higher Education Construction Account—	
State Appropriation	\$180,000
TOTAL APPROPRIATION	(\$3,472,000)
	<u>\$2,472,000</u>

Sec. 1604. 2004 c 276 s 709 (uncodified) is amended 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 the office of financial management, 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) Kelly C. Schwartz, claim number SCJ 03-10. \$18,250
- (b) Clinton Johnston, claim number SCJ 04-02. \$8,225
- (c) Johnny Riley, claim number SCJ 04-05. \$1,500
- (d) Gregory Nichols, claim number SCJ 04-06. \$3,995
- (e) William Poll, claim number SCJ 04-07. \$31,106
- (f) John Obert, claim number SCJ 04-09. \$15,957
- (g) David McCown, claim number SCJ 04-10. \$2,900
- (h) Frank Leyendekker, claim number SCJ 05-01. \$2,325
- (i) Todd Richardson, claim number SCJ 05-02. \$32,934
- (j) Jason Fakih, claim number SCJ 05-03. \$100,774
- (k) Mickey J. Martin, claim number SCJ 05-04. \$3,187
- (l) Marty Lynch, claim number SCJ 05-05. \$3,000
- (m) Jeffery Shauers, claim number SCJ 05-06. \$12,734

(2) Payment from the state wildlife account for damage to crops by wildlife, pursuant to RCW 77.36.050:

- (a) Circle S Landscape Supplies, claim number SCG 03-05. \$49,380
- (b) Marilyn Lund Farms, claim number SCG 03-08. \$17,175
- (c) Paul Gibbons, claim number SCG 03-09. \$12,414
- (d) Bud Hamilton, claim number SCG 03-10. \$15,591
- (e) Richard Anderson, claim number SCG 03-11. \$75,933
- (f) Neil Ice, claim number SCG 03-12. \$73,474
- (g) Carl Anderson, claim number SCG 03-13. \$120,943
- (h) Lafe Wilson, claim number SCG 04-02. \$626
- (i) Richard Anderson, claim number SCG 04-04. \$28,998
- (j) Circle S Landscape, claim number SCG 04-05. \$20,000
- (k) Ralland Wallace, claim number SCG 05-02. \$20,592
- (l) A & A Ranches, Inc., claim number SCG 05-04. \$42,809
- (m) Roger Gibbons, claim number SCG 05-05. \$12,326
- (n) Paul Gibbons, claim number SCG 05-06. \$11,242

NEW SECTION. Sec. 1605. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

**FOR THE OFFICE OF FINANCIAL MANAGEMENT—
CONTRIBUTIONS TO RETIREMENT SYSTEMS**

General Fund—State Appropriation (FY 2005)	-\$381,000
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General Fund—Federal Appropriation	-\$63,000
General Fund—Private/Local Appropriation	-\$7,000
Special Account Retirement Contribution Increase	
Revolving Account Appropriation	-\$267,000
TOTAL APPROPRIATION	-\$718,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to reduce agency and institution appropriations to reflect the 0.03 percent decrease in employer contributions for the department of retirement systems administrative expense rate that was effective September 1, 2004.

(2) The appropriations from dedicated funds and accounts shall be made in the amounts specified and from the dedicated funds and accounts specified in LEAP document 2005-39, a computerized tabulation developed by the legislative evaluation and accountability program committee on March 18, 2005, which is hereby incorporated by reference. The office of financial management shall allocate the moneys appropriated in this section in the amounts specified and to the state agencies specified in LEAP document 2005-39, and adjust appropriation schedules accordingly.

NEW SECTION. Sec. 1606. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—PUBLIC SAFETY AND EDUCATION ACCOUNT

General Fund—State Appropriation (FY 2005)	\$11,000,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for deposit in the public safety and education account.

NEW SECTION. Sec. 1607. A new section is added to 2003 1st sp.s. c 25 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—VIOLENCE REDUCTION AND DRUG ENFORCEMENT ACCOUNT

General Fund—State Appropriation (FY 2005)	\$250,000,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for deposit in the violence reduction and drug enforcement account.

Sec. 1608. 2003 1st sp.s. c 25 s 706 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT—EMERGENCY FUND

General Fund—State Appropriation (FY 2004)	\$850,000
General Fund—State Appropriation (FY 2005)	(\$850,000)
	<u>\$1,000,000</u>
TOTAL APPROPRIATION	(\$1,700,000)
	<u>\$1,850,000</u>

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 or local government agency.

**PART XVII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 1701. 2004 c 276 s 802 (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.

State Convention and Trade Center Account:	
For transfer to the state general fund	\$10,000,000
County Sale/Use Tax Equalization Account:	
For transfer to the state general fund for	
fiscal year 2004	\$74,000
Financial Services Regulation Fund: For transfer	
to the state general fund at the beginning	
of fiscal year 2005	\$7,285,000
Municipal Sale/Use Tax Equalization Account:	
For transfer to the state general fund for	
fiscal year 2004	\$374,000
Asbestos Account: For transfer to the state	
general fund	\$200,000
Electrical License Account: For transfer	
to the state general fund	\$7,000,000
Local Toxics Control Account: For transfer	
to the state toxics control account	\$4,059,000
Pressure Systems Safety Account: For transfer	
to the state general fund	\$1,000,000
Health Services Account: For transfer	
to the water quality account	\$8,182,000
State Treasurer's Service Account: For	
transfer to the general fund	\$14,000,000
Public Works Assistance Account: For	
transfer to the drinking water	
assistance account	\$8,387,000
Tobacco Settlement Account: For transfer	
to the health services account, in an	
amount not to exceed the actual balance	
of the tobacco settlement account	\$181,000,000
Health Service Account: For transfer	
to the violence reduction and drug	
enforcement account	\$7,789,000
Nisqually Earthquake Account: For transfer to	
the disaster response account	\$6,200,000

Industrial Insurance Premium Refund Account: For transfer to the state general fund	\$577,000
Public Service Revolving Account: For transfer to the state general fund.	\$1,600,000
State Forest Nursery Revolving Account: For transfer to the state general fund, \$250,000 for fiscal year 2004 and \$250,000 for fiscal year 2005	\$500,000
Flood Control Assistance Account: For transfer to the state general fund, \$1,350,000 for fiscal year 2004 and \$1,350,000 for fiscal year 2005	\$2,700,000
Water Quality Account: For transfer to the water pollution control account	(\$14,034,513))
	<u>\$14,000,000</u>
General Fund: For transfer to the water quality account, \$3,870,000 for fiscal year 2004 and \$4,557,000 for fiscal year 2005	\$8,427,000
Insurance Commissioner's Regulatory Account: For transfer to the state general fund	\$2,500,000
Health Services Account: For transfer to the tobacco prevention and control account	\$23,796,000
From the Emergency Reserve Fund: For transfer to the state general fund, not to exceed the actual balance of the emergency reserve fund. This transfer is intended to liquidate the emergency reserve fund.	\$58,100,000
Department of Retirement Systems Expense Account: For transfer to the state general fund	\$5,500,000
Woodstove Education and Enforcement Account: For transfer to the air pollution control account	\$600,000
Multimodal Transportation Account: For transfer to the air pollution control account for fiscal year 2004. The amount transferred shall be deposited into the segregated subaccount of the air pollution control account created in Engrossed Substitute Senate Bill No. 6072, chapter 264, Laws of 2003. The state treasurer shall perform the transfer from the multimodal transportation account to the air pollution control subaccount on a quarterly basis	\$4,170,726
Multimodal Transportation Account: For transfer to the vessel response account for fiscal year 2004	\$1,213,704
Resource Management Cost Account: For transfer to the contract harvesting revolving account	\$250,000
Forest Development Account: For transfer to the contract harvesting revolving account.	\$250,000
Site Closure Account: For transfer to the	

state general fund	\$13,800,000
Health Services Account: For transfer to the general fund—state for fiscal year 2005	((\$46,250,000))
	<u>\$296,250,000</u>
K-20 Technology Account: For transfer to the state general fund	\$1,281
Gambling Revolving Fund, Nontribal Sources: For transfer to the state general fund	\$2,500,000
State Building Construction Account: For transfer to the conservation assistance revolving account	\$500,000
Wildlife Account: For transfer to the special wildlife account, \$250,000 in fiscal year 2004 and \$250,000 in fiscal year 2005	\$500,000
Education Technology Revolving Account: For transfer to the data processing revolving account	\$296,000
Digital Government Revolving Account: For transfer to the data processing revolving account	\$154,000
<u>Election Account: For transfer to the state general fund</u>	<u>\$780,000</u>
<u>Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, not to exceed the actual loan repayments to this account</u>	<u>\$20,000,000</u>
<u>Violence Reduction and Drug Enforcement Account: For transfer to the health services account in fiscal year 2005</u>	<u>\$250,000,000</u>

**PART XVIII
MISCELLANEOUS**

Sec. 1801. RCW 43.185.050 and 2002 c 294 s 6 are each amended to read as follows:

(1) The department shall use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle shall be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

- (a) New construction, rehabilitation, or acquisition of low and very low-income housing units;
- (b) Rent subsidies;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless, including emergency shelters and overnight youth shelters;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness;

(h) Mortgage insurance guarantee or payments for eligible projects;

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing; and

(k) Projects making housing more accessible to families with members who have disabilities.

(3) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (i), and (j) of this section, and not for the administrative costs of the department.

(4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2)(b) and (c) of this section.

(5) Administrative costs of the department shall not exceed four percent of the annual funds available for the housing assistance program, except in fiscal year 2005 when administrative costs shall not exceed five percent.

Sec. 1802. RCW 43.185.070 and 1994 sp.s. c 3 s 9 are each amended to read as follows:

(1) During each calendar year in which funds from the housing trust fund or other legislative appropriations are available for use by the department for the housing assistance program, the department shall announce to all known interested parties, and through major media throughout the state, a grant and loan application period of at least ninety days' duration. This announcement shall be made as often as the director deems appropriate for proper utilization of resources. The department shall then promptly grant as many applications as will utilize available funds less appropriate administrative costs of the department. Administrative costs paid out of the housing trust fund may not exceed four percent of annual revenues available for distribution to housing trust fund projects, except in fiscal year 2005 when administrative costs shall not exceed five percent. In awarding funds under this chapter, the department shall provide for a geographic distribution on a statewide basis.

(2) The department shall give first priority to applications for projects and activities which utilize existing privately owned housing stock including privately owned housing stock purchased by nonprofit public development authorities and public housing authorities as created in chapter 35.82 RCW. As used in this subsection, privately owned housing stock includes housing that is

acquired by a federal agency through a default on the mortgage by the private owner. Such projects and activities shall be evaluated under subsection (3) of this section. Second priority shall be given to activities and projects which utilize existing publicly owned housing stock. All projects and activities shall be evaluated by some or all of the criteria under subsection (3) of this section, and similar projects and activities shall be evaluated under the same criteria.

(3) The department shall give preference for applications based on some or all of the criteria under this subsection, and similar projects and activities shall be evaluated under the same criteria:

(a) The degree of leveraging of other funds that will occur;

(b) The degree of commitment from programs to provide necessary habilitation and support services for projects focusing on special needs populations;

(c) Recipient contributions to total project costs, including allied contributions from other sources such as professional, craft and trade services, and lender interest rate subsidies;

(d) Local government project contributions in the form of infrastructure improvements, and others;

(e) Projects that encourage ownership, management, and other project-related responsibility opportunities;

(f) Projects that demonstrate a strong probability of serving the original target group or income level for a period of at least twenty-five years;

(g) The applicant has the demonstrated ability, stability and resources to implement the project;

(h) Projects which demonstrate serving the greatest need;

(i) Projects that provide housing for persons and families with the lowest incomes;

(j) Projects serving special needs populations which are under statutory mandate to develop community housing;

(k) Project location and access to employment centers in the region or area;

(l) Projects that provide employment and training opportunities for disadvantaged youth under a youthbuild or youthbuild-type program as defined in RCW 50.72.020; and

(m) Project location and access to available public transportation services.

(4) The department shall only approve applications for projects for mentally ill persons that are consistent with a regional support network six-year capital and operating plan.

Sec. 1803. RCW 43.185A.030 and 1994 c 160 s 3 are each amended to read as follows:

(1) Using moneys specifically appropriated for such purpose, the department shall finance in whole or in part projects that will provide housing for low-income households.

(2) Activities eligible for assistance include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of housing for low-income households;

(b) Rent subsidies in new construction or rehabilitated multifamily units;

(c) Down payment or closing costs assistance for first-time home buyers;

(d) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units; and

(e) Mortgage insurance guarantee or payments for eligible projects.

(3) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2) (a), (c), (d), and (e) of this section, and not for the administrative costs of the department.

(4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the affordable housing program except for activities authorized under subsection (2)(b) of this section.

(5) Administrative costs of the department shall not exceed four percent of the annual funds available for the affordable housing program, except in fiscal year 2005 when administrative costs shall not exceed five percent.

NEW SECTION. Sec. 1804. 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. 1805. Except for sections 923 and 931 of this act, 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.

NEW SECTION. Sec. 1806. Section 923 (RCW 41.50.110) of this act takes effect July 1, 2006.

NEW SECTION. Sec. 1807. Section 922 (RCW 41.50.110) of this act expires July 1, 2006.

NEW SECTION. Sec. 1808. Section 931 (RCW 43.135.045) 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 June 30, 2005.

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Passed by the Senate April 24, 2005.

Passed by the House April 24, 2005.

Approved by the Governor May 17, 2005, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to sections 101(1); 204(1)(a); 204(1)(p); 206(11); 209(21); 213(11); 307(9); 307(11); 307(14); 307(19); 717; 718; 721; 805, page 186, lines 21-23; 912; and 1106, page 294, lines 23-24, Engrossed Substitute Senate Bill No. 6090 entitled:

"AN ACT Relating to fiscal matters."

My reasons for vetoing these sections are as follows:

Section 101(1), pages 2-3, House of Representatives, Committee on Fiscal Stability

This language creates a Committee on Fiscal Stability. Though well intended, this provision requires the Governor to appoint a non-voting chair – except for procedural issues – for a legislative committee that includes members from the House, but not from the Senate. I am reluctant to participate in this important endeavor without balanced representation from both houses of the Legislature and from the executive branch. The House of Representatives can create this committee administratively, and I am willing to work with both houses to create an appropriate structure for this effort.

Section 204(1)(a), page 46, Department of Social and Health Services (DSHS), Regional Support Network Funding Formula

Section 204(1)(a) requires DSHS to complete a six-year phase-in of a revised Medicaid allocation formula under which each Regional Support Network (RSN) will be paid a standard per capita rate. While the Department does intend to implement this phase-in, it needs flexibility to do so in a manner consistent with federal requirements. The Centers for Medicare and Medicaid Services (CMS) requires that all RSN rates be actuarially sound, and that the actuarial study examines geographic variations in costs and rates. Preliminary findings from the current study show that costs and rates may differ by region. If these findings hold and this proviso is retained, DSHS will not be able to set rates for RSNs that conform to federal requirements. I direct DSHS to follow the intent of the Legislature as much as possible while accommodating the actuary's final recommendation.

Section 204(1)(p), page 49, Department of Social and Health Services (DSHS), Integrated Chemical Dependency/Mental Health Screening

This item states that sufficient funds are appropriated to implement the integrated chemical dependency/mental health screening and assessment provisions in SB 5763. I am vetoing this provision because specifically identified funds are available only for development, training, and quality assurance. But implementation of needed screening and assessment activities related to this program can be done from within the community services budget.

Section 206(11), page 59, Department of Social and Health Services, Aging and Adult Services Dual Occupancy Accommodations

This proviso requires the Department to establish a pilot program to allow dual occupancy in assisted living facilities where more than 50 percent of the clientele is Medicaid eligible, and where the facility is not eligible for capital add-on payments for boarding homes. While I recognize there are fiscal pressures on facilities that deliver services for aged residents, I believe this pilot is premature. I want the Long Term Care Task Force just approved by the Legislature to examine all issues of service delivery and finances instead.

Section 209(21), pages 68-69, Department of Social and Health Services, Medical Assistance Prescription Drug Benefit

I am vetoing the proviso that allows for a time-limited transitional prescription drug benefit for General Assistance-Unemployable (GAU) clients because it states that if DSHS chooses to make a transitional medical benefit part of an overall GAU cost-savings initiative, the benefit must be limited to coverage of prescription drugs and medication management. DSHS needs flexibility to devise a workable and cost-effective savings initiative that may include services other than prescription drugs.

Section 213(11), page 73, Health Care Authority Study on Health Savings Accounts and High Deductible Plans

This proviso directs the Public Employees Benefits Board to submit a report on options for the use of Health Savings Accounts within the Basic Health program – an area over which the Board has no authority. I agree that Health Savings Accounts accompanied with high-deductible health plans may provide a model for health care coverage that has the potential to involve consumers more directly in their health purchasing decisions. Health Savings Accounts need to be examined further as an option for Washington citizens. I am directing the Health Care Authority to provide an analysis of Health Savings Accounts within available funds.

Section 307(9), page 97, Department of Fish and Wildlife, Lapsed Appropriation for Senate Bill 5234 (Hunter Access to Lands)

This proviso funds implementation of Senate Bill 5234 and stipulates that the appropriation will lapse if the bill is not enacted. Since that bill did not pass the Legislature, I have vetoed Section 307(9).

Section 307(11), pages 97-98, Department of Fish and Wildlife, Grizzly Bear Outreach Project

Section 307(11) grants \$75,000 to the Grizzly Bear Outreach project to disseminate information regarding grizzly bears in the North Cascade mountains. Both the Washington State Department of Fish and Wildlife and the United States Fish and Wildlife Service already offer information on the re-emergence of grizzly bears, and provide advice for residents living near bear habitat. This General Fund expenditure would duplicate the efforts of those agencies.

Section 307(14), page 98, Department of Fish and Wildlife, Livestock Damage by Cougars

This funding reimburses commercial livestock owners for damage caused by cougars. While I understand the concerns of livestock owners, there is no statutory authorization for the Department to provide this type of reimbursement.

Section 307(19), page 98, Department of Fish and Wildlife, Lapsed Appropriation for Senate Bill 5232 (Turkey Tags)

This proviso funds implementation of Senate Bill 5232 and stipulates that the appropriation will lapse if the bill is not enacted. Since that bill did not pass the Legislature, I have vetoed Section 307(9).

Section 717, page 177, Double-filled Personnel Positions

Section 717 requires OFM to find \$4 million in savings by eliminating double-filled positions in state agencies. State agencies double-fill positions for a number of valid reasons including when departing staff train their replacements, if part-time staff share a single job, or when temporary replacements are needed for staff who are ill or called to military duty. The number of staff an agency can employ is controlled through FTE and dollar limitations in the budget, which are not affected by the number of staff using the same position in the personnel system. I direct the Department of Personnel to review agency practices concerning the use of double-filled exempt positions. I am vetoing this section to retain administrative flexibility for agencies to double-fill positions as appropriate.

Section 718, page 177, Critical High Demand Positions

Section 718 allows OFM to allot the savings achieved in Section 717 to meet critical staffing needs among state agencies. Because Section 717 is vetoed, this section cannot be implemented and is also vetoed.

Section 721, page 179, Middle Management Reporting Requirements

The middle management staff reduction I recommended in my budget is included in the legislative budget for most state agencies. I direct the Department of Personnel to work with agencies on implementing this initiative, and to track the positions eliminated. I am vetoing this section to preserve flexibility as to the nature and frequency of reports on this activity.

Section 805, page 186, lines 21-23, Tobacco Prevention and Control Account Transfer to General Fund

This appropriation would reduce the fund balance in the Tobacco Prevention and Control Account by transferring \$13,910,000 to the state General Fund.

Tobacco Master Settlement Agreement payments were dedicated to the Health Services Account and to anti-smoking efforts with \$100 million used to supplement current tobacco tax revenues in the Tobacco Prevention and Control Account. Programs supported with this fund helped create an unprecedented decline in smoking in this state. At the current spending rate, the original \$100 million deposit will be exhausted in fiscal year 2008. By vetoing this proposed transfer, the Tobacco Prevention and Control account can support current efforts through fiscal year 2008, which will allow time to develop a permanent source of funding for these important activities.

Section 912, pages 193-195, School Bus Bidding

These changes to the school bus bidding process for the 2005-07 Biennium are not necessary because the same policy changes were included in House Bill 1485, which I signed on May 16, 2005.

Section 1106, lines 23-24, page 294, Department of Social and Health Services, Aging and Adult Services Program Appropriation Change

This reduction to the fiscal year 2005 appropriation is vetoed in order to retain \$16.766 million to ensure that the Department of Social and Health Services has sufficient resources to cover costs in children's services and medical assistance.

In addition, the appropriation in Section 202 assumes a reduction of \$1.7 million for regional crisis residential centers. In implementing this reduction, I am asking the Department of Social and Health Services to review options for how funding can best be allocated to maintain this service where it is most needed and most effective, while also achieving the savings assumed in the budget. Such options could include taking under-utilized beds off-line, adjusting the payment structure, or making other changes in contractor business practices and client referrals.

With the exception of those portions of Sections 101(1); 204(1)(a); 204(1)(p); 206(11); 209(21); 213(11); 307(9); 307(11); 307(14); 307(19); 717; 718; 721; 805, page 186, lines 21-23; 912; and 1106, page 294, lines 23-24 as specified above, Engrossed Substitute Senate Bill No. 6090 is approved."

CHAPTER 519

[Filed by Washington Citizens' Commission on Salaries for Elected Officials]
SALARIES—STATE ELECTED OFFICIALS

AN ACT Relating to salaries of elected officials; and amending RCW 43.03.011, 43.03.012, and 43.03.013.

Be it enacted by the Washington citizens' commission on salaries for elected officials of the State of Washington:

Sec. 1. RCW 43.03.011 and 2003 1st sp.s. c 1 s 1 are each amended to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 43.03.010 and 43.03.310, the annual salaries of the state elected officials of the executive branch shall be as follows:

<u>(1) (Effective September 1, 2002:</u>	
(a) Governor	\$ 142,286
(b) Lieutenant governor	\$ 74,377
(c) Secretary of state	\$ 91,048
(d) Treasurer	\$ 99,708
(e) Auditor	\$ 99,708
(f) Attorney general	\$ 129,351
(g) Superintendent of public instruction	\$ 101,750
(h) Commissioner of public lands	\$ 101,750
(i) Insurance commissioner	\$ 92,702
<u>(2) Effective September 1, 2003:</u>	
(a) Governor	\$ 142,286
(b) Lieutenant governor	\$ 74,377
(c) Secretary of state	\$ 99,708
(d) Treasurer	\$ 99,708
(e) Auditor	\$ 99,708
(f) Attorney general	\$ 129,351
(g) Superintendent of public instruction	\$ 101,750
(h) Commissioner of public lands	\$ 101,750
(i) Insurance commissioner	\$ 99,708
<u>(3)) Effective September 1, 2004:</u>	
(a) Governor	\$ 145,132
(b) Lieutenant governor	\$ 75,865
(c) Secretary of state	\$ 101,702
(d) Treasurer	\$ 101,702
(e) Auditor	\$ 101,702
(f) Attorney general	\$ 131,938
(g) Superintendent of public instruction	\$ 103,785
(h) Commissioner of public lands	\$ 103,785
(i) Insurance commissioner	\$ 101,702
<u>(2) Effective September 1, 2005:</u>	
(a) Governor	\$ 148,035
(b) Lieutenant governor	\$ 77,382
(c) Secretary of state	\$ 103,736
(d) Treasurer	\$ 103,736
(e) Auditor	\$ 103,736

<u>(f) Attorney general</u>	<u>\$ 134,577</u>
<u>(g) Superintendent of public instruction</u>	<u>\$ 105,861</u>
<u>(h) Commissioner of public lands</u>	<u>\$ 105,861</u>
<u>(i) Insurance commissioner</u>	<u>\$ 103,736</u>
<u>(3) Effective September 1, 2006:</u>	
<u>(a) Governor</u>	<u>\$ 150,995</u>
<u>(b) Lieutenant governor</u>	<u>\$ 78,930</u>
<u>(c) Secretary of state</u>	<u>\$ 105,811</u>
<u>(d) Treasurer</u>	<u>\$ 105,811</u>
<u>(e) Auditor</u>	<u>\$ 105,811</u>
<u>(f) Attorney general</u>	<u>\$ 137,268</u>
<u>(g) Superintendent of public instruction</u>	<u>\$ 107,978</u>
<u>(h) Commissioner of public lands</u>	<u>\$ 107,978</u>
<u>(i) Insurance commissioner</u>	<u>\$ 105,811</u>

(4) The lieutenant governor shall receive the fixed amount of his salary plus 1/260th of the difference between his salary and that of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor.

Sec. 2. RCW 43.03.012 and 2003 1st sp.s. c 1 s 2 are each amended to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 2.04.092, 2.06.062, 2.08.092, 3.58.010, and 43.03.310, the annual salaries of the judges of the state shall be as follows:

<u>(1) ((Effective September 1, 2002:</u>	
<u>(a) Justices of the supreme court</u>	<u>\$ 134,584</u>
<u>(b) Judges of the court of appeals</u>	<u>\$ 128,116</u>
<u>(c) Judges of the superior court</u>	<u>\$ 121,972</u>
<u>(d) Full-time judges of the district court</u>	<u>\$ 116,135</u>
<u>(2) Effective September 1, 2003:</u>	
<u>(a) Justices of the supreme court</u>	<u>\$ 134,584</u>
<u>(b) Judges of the court of appeals</u>	<u>\$ 128,116</u>
<u>(c) Judges of the superior court</u>	<u>\$ 121,972</u>
<u>(d) Full-time judges of the district court</u>	<u>\$ 116,135</u>
<u>(3)) Effective September 1, 2004:</u>	
<u>(a) Justices of the supreme court</u>	<u>\$ 137,276</u>
<u>(b) Judges of the court of appeals</u>	<u>\$ 130,678</u>
<u>(c) Judges of the superior court</u>	<u>\$ 124,411</u>
<u>(d) Full-time judges of the district court</u>	<u>\$ 118,458</u>
<u>(2) Effective September 1, 2005:</u>	
<u>(a) Justices of the supreme court</u>	<u>\$ 141,394</u>
<u>(b) Judges of the court of appeals</u>	<u>\$ 134,598</u>
<u>(c) Judges of the superior court</u>	<u>\$ 128,143</u>
<u>(d) Full-time judges of the district court</u>	<u>\$ 122,012</u>
<u>(3) Effective September 1, 2006:</u>	
<u>(a) Justices of the supreme court</u>	<u>\$ 145,636</u>
<u>(b) Judges of the court of appeals</u>	<u>\$ 138,636</u>
<u>(c) Judges of the superior court</u>	<u>\$ 131,988</u>
<u>(d) Full-time judges of the district court</u>	<u>\$ 125,672</u>

(4) The salary for a part-time district court judge shall be the proportion of full-time work for which the position is authorized, multiplied by the salary for a full-time district court judge.

Sec. 3. RCW 43.03.013 and 2003 1st sp.s. c 1 s 3 are each amended to read as follows:

Pursuant to Article XXVIII, section 1 of the state Constitution and RCW 43.03.010 and 43.03.310, the annual salary of members of the legislature shall be:

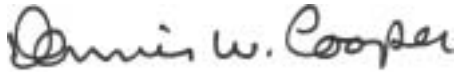
- (1) ~~((Effective September 1, 2002:~~
 - ~~(a) Legislators \$ 33,556~~
 - ~~(b) Speaker of the house \$ 41,556~~
 - ~~(c) Senate majority leader \$ 41,556~~
 - ~~(d) House minority leader \$ 37,556~~
 - ~~(e) Senate minority leader \$ 37,556~~
- ~~(2) Effective September 1, 2003:~~
 - ~~(a) Legislators \$ 33,556~~
 - ~~(b) Speaker of the house \$ 41,556~~
 - ~~(c) Senate majority leader \$ 41,556~~
 - ~~(d) House minority leader \$ 37,556~~
 - ~~(e) Senate minority leader \$ 37,556~~
- ~~(3))~~ Effective September 1, 2004:
 - (a) Legislators \$ 34,227
 - (b) Speaker of the house \$ 42,227
 - (c) Senate majority leader \$ 42,227
 - (d) House minority leader \$ 38,227
 - (e) Senate minority leader \$ 38,227
- (2) Effective September 1, 2005:
 - (a) Legislators \$ 35,254
 - (b) Speaker of the house \$ 43,254
 - (c) Senate majority leader \$ 43,254
 - (d) House minority leader \$ 39,254
 - (e) Senate minority leader \$ 39,254
- (3) Effective September 1, 2006:
 - (a) Legislators \$ 36,311
 - (b) Speaker of the house \$ 44,311
 - (c) Senate majority leader \$ 44,311
 - (d) House minority leader \$ 40,311
 - (e) Senate minority leader \$ 40,311

Filed in Office of Secretary of State June 1, 2005

AUTHENTICATION

I, Dennis W. Cooper, Code Reviser of the State of Washington, certify that, with the exception of such corrections as I have made in accordance with the powers vested in me by RCW 44.20.060, the laws published in this volume are a true and correct reproduction of the copies of the enrolled laws of the 2005 regular session (59th Legislature), chapters 491 through 519, as certified and transmitted to the Statute Law Committee by the Secretary of State under RCW 44.20.020.

IN TESTIMONY WHEREOF, I have hereunto set my hand at Olympia, Washington, this 10th day of June, 2005.

A handwritten signature in dark ink that reads "Dennis W. Cooper". The signature is written in a cursive style with a large initial "D" and "C".

DENNIS W. COOPER
Code Reviser

PROPOSED CONSTITUTIONAL AMENDMENT
ADOPTED AT THE 2005 REGULAR SESSION
FOR SUBMISSION TO THE VOTERS
AT THE STATE GENERAL ELECTION, NOVEMBER 2005

SENATE JOINT RESOLUTION 8207

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article IV, section 31 of the Constitution of the state of Washington to read as follows:

Article IV, section 31. (1) There shall be a commission on judicial conduct, existing as an independent agency of the judicial branch, and consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the ~~((district))~~ limited jurisdiction court judges, two persons admitted to the practice of law in this state selected by the state bar association, and six persons who are not attorneys appointed by the governor.

(2) Whenever the commission receives a complaint against a judge or justice, or otherwise has reason to believe that a judge or justice should be admonished, reprimanded, censured, suspended, removed, or retired, the commission shall first investigate the complaint or belief and then conduct initial proceedings for the purpose of determining whether probable cause exists for conducting a public hearing or hearings to deal with the complaint or belief. The investigation and initial proceedings shall be confidential. Upon beginning an initial proceeding, the commission shall notify the judge or justice of the existence of and basis for the initial proceeding.

(3) Whenever the commission concludes, based on an initial proceeding, that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall conduct a public hearing or hearings and shall make public all those records of the initial proceeding that provide the basis for its conclusion. If the commission concludes that there is not probable cause, it shall notify the judge or justice of its conclusion.

(4) Upon the completion of the hearing or hearings, the commission in open session shall either dismiss the case, or shall admonish, reprimand, or censure the judge or justice, or shall censure the judge or justice and recommend to the supreme court the suspension or removal of the judge or justice, or shall recommend to the supreme court the retirement of the judge or justice. The commission may not recommend suspension or removal unless it censures the judge or justice for the violation serving as the basis for the recommendation. The commission may recommend retirement of a judge or justice for a disability

which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties.

(5) Upon the recommendation of the commission, the supreme court may suspend, remove, or retire a judge or justice. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease. The supreme court shall specify the effect upon salary when it suspends a judge or justice. The supreme court may not suspend, remove, or retire a judge or justice until the commission, after notice and hearing, recommends that action be taken, and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against the judge or justice.

(6) Within thirty days after the commission admonishes, reprimands, or censures a judge or justice, the judge or justice shall have a right of appeal de novo to the supreme court.

(7) Any matter before the commission or supreme court may be disposed of by a stipulation entered into in a public proceeding. The stipulation shall be signed by the judge or justice and the commission or court. The stipulation may impose any terms and conditions deemed appropriate by the commission or court. A stipulation shall set forth all material facts relating to the proceeding and the conduct of the judge or justice.

(8) Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.

(9) The legislature shall provide for commissioners' terms of office and compensation. The commission shall employ one or more investigative officers with appropriate professional training and experience. The investigative officers of the commission shall report directly to the commission. The commission shall also employ such administrative or other staff as are necessary to manage the affairs of the commission.

(10) The commission shall, to the extent that compliance does not conflict with this section, comply with laws of general applicability to state agencies with respect to rule-making procedures, and with respect to public notice of and attendance at commission proceedings other than initial proceedings. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed by the Senate, March 11, 2005.

Passed by the House, March 30, 2005.

Filed in the Office of Secretary of State April 24, 2005.

BILL NO. TO CHAPTER NO. OF 2005 STATUTES

Number	Chapter Number Laws of 2005		Chapter Number Laws of 2005	
Init	297	1	
Init	872	2	
Washington Citizens'				
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SENATE				
SSB	5002	112	
SB	5006	113	
SSB	5034	445	
SSB	5035	166	
SSB	5038	413	
SB	5039	414	
SB	5044	114	
SB	5045	115	
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ESSB	5052	332	
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SB	5089	168	
SSB	5092	120	
SB	5094	466	
SSB	5097	3	
SSB	5101	300	
SSB	5105	121	
SB	5110	334	
2SSB	5111	301	
SSB	5112	255	
SSB	5121	316	
SB	5127	358	
ESB	5135	37	
SB	5136	122	
SSB	5139	335	PV
SSB	5140	467	
ESB	5142	138	
SSB	5145	392	
SSB	5146	169	
SB	5148	13	
ESSB	5150	26	
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2SSB	5154	170	
SSB	5158	468	
ESSB	5161	171	
SB	5168	38	
SSB	5169	416	
SSB	5173	172	
SB	5175	135	
SSB	5176	136	
SSB	5177	336	PV
ESSB	5178	39	
SB	5180	137	
SB	5181	173	
SSB	5182	359	
SSB	5186	360	
SSB	5190	40	
SB	5196	337	
ESB	5198	41	
SSB	5207	123	
2SSB	5213	174	
SSB	5227	418	
SSB	5230	42	
SSB	5242	361	
ESB	5254	355	
ESSB	5256	362	
SSB	5266	338	
SB	5267	124	
SB	5268	43	
SB	5274	339	
SSB	5285	469	
SSB	5289	125	
SSB	5290	419	
SSB	5308	417	
SSB	5309	262	
SB	5311	259	
SSB	5316	44	
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SB	5332	90	
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SB	5418 342	ESSB	5692 471	
SB	5423 210	SSB	5699 464	
SB	5424 48	SB	5701 63	
SSB	5432 304	SB	5707 391	
SB	5433 15	SSB	5708 463	
2SSB	5441 496	SSB	5709 79	
SSB	5449 211	ESB	5713 80	
SB	5453 128	SSB	5720 176	
2SSB	5454 457	SSB	5729 270	
SB	5461 263	SSB	5732 497	
ESSB	5463 264	SB	5733 472	
SSB	5470 293	SSB	5736 81	
SSB	5471 129	SSB	5743 246	
SB	5477 68	SSB	5752 365	
SSB	5479 130	2SSB	5763 504	PV
SSB	5488 49	SSB	5765 82	
ESSB	5492 470	SSB	5767 485	
SSB	5497 131	SSB	5775 83	
SSB	5499 243	2SSB	5782 302	
SB	5501 265	SSB	5788 394	
SSB	5506 74	SB	5794 11	
SSB	5509 12	SSB	5806 473	
SB	5513 319	SB	5809 73	
SB	5518 343	SSB	5828 356	
ESB	5522 363	SB	5831 84	
SSB	5539 257	SSB	5832 177	
SSB	5552 266	SB	5833 85	
SSB	5558 267	SSB	5841 462	
SB	5563 75	ESSB	5850 499	
SB	5564 244	SB	5857 86	
SB	5565 245	SSB	5862 69	
SSB	5577 364	SB	5869 87	
2SSB	5581 424	SSB	5872 474	
SB	5582 344	SB	5898 347	
SB	5583 345	SSB	5899 421	
SSB	5584 76	SSB	5902 357	
SB	5589 77	SSB	5914 271	
SSB	5599 268	2SSB	5916 296	
SSB	5602 510	SSB	5922 512	PV
SB	5606 9	SB	5926 272	
SSB	5610 309	SSB	5939 366	
SSB	5615 451	SB	5948 367	
SSB	5620 310	SSB	5951 349	
SSB	5623 515	SSB	5952 350	
ESSB	5631 346	ESSB	5953 351	
SSB	5644 269	ESB	5957 7	
2SSB	5663 420	SB	5962 511	
SSB	5664 393	SB	5966 88	
ESSB	5676 78	ESSB	5969 89	

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SSB	5983	498	
SSB	5992	475	
SB	5993	10	
SSB	5997	348	
SSB	5999	476	
SB	6003	297	
SB	6012	178	
SSB	6014	422	
SSB	6022	352	
SB	6033	395	
SSB	6037	477	
SSB	6043	368	
SSB	6050	450	
SSB	6064	179	
SSB	6078	72	
SSB	6090	518	PV
SSB	6091	313	
ESSB	6094	488	PV
SB	6096	516	
2ESB	6097	180	
SSB	6103	314	
SB	6121	517	
HOUSE			
EHB	1000	273	
EHB	1002	320	
HB	1003	213	PV
HB	1007	16	
HB	1008	214	
SHB	1012	500	
SHB	1014	5	
EHB	1019	248	
HB	1024	182	
SHB	1031	369	
HB	1032	92	
HB	1034	432	
SHB	1044	370	
HB	1048	52	
HB	1049	8	
2SHB	1050	215	PV
ESHB	1054	433	
SHB	1058	371	
SHB	1062	298	
SHB	1064	385	PV
SHB	1065	216	
HB	1066	489	
HB	1068	217	
HB	1072	218	
HB	1074	219	
SHB	1075	17	
ESHB	1079	93	
HB	1081	434	
HB	1086	18	
ESHB	1090	19	
HB	1092	94	
SHB	1097	53	
SHB	1100	139	
HB	1108	396	
HB	1110	397	
HB	1112	95	
SHB	1113	183	
SHB	1116	220	
SHB	1117	96	PV
HB	1124	398	
HB	1125	97	
HB	1128	321	
HB	1130	184	
SHB	1132	221	
SHB	1133	274	
HB	1136	435	PV
SHB	1137	501	
HB	1138	98	
HB	1140	54	
HB	1141	185	
HB	1146	222	
SHB	1147	436	
E2SHB	1152	490	
SHB	1154	6	
ESHB	1158	502	
HB	1160	187	
EHB	1161	99	
2SHB	1168	275	
HB	1170	188	
SHB	1171	55	
SHB	1174	249	
SHB	1179	312	
HB	1180	189	
SHB	1181	311	
HB	1183	190	
SHB	1185	322	
HB	1187	437	
2SHB	1188	438	
SHB	1189	250	
SHB	1196	100	
SHB	1197	223	PV

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ESHB	1214	20	
SHB	1216	224	
ESHB	1218	225	
2SHB	1220	276	
HB	1222	239	
SHB	1236	209	
HB	1237	. . . . .	193	
2SHB	1240	. . . . .	480	
HB	1241	. . . . .	323	
ESHB	1242	386	
HB	1246	50	
HB	1247	324	
ESHB	1252	491	
HB	1254	426	
HB	1259	194	
HB	1260	61	
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SHB	1266	325	
HB	1269	21	
HB	1270	372	PV
SHB	1280	439	
SHB	1281	440	
HB	1286	143	
HB	1287	195	
2SHB	1290	. . . . .	503	PV
HB	1294	. . . . .	144	
HB	1296	. . . . .	196	
ESHB	1299	. . . . .	443	
SHB	1302	. . . . .	197	
HB	1303	. . . . .	226	
SHB	1304	. . . . .	481	
HB	1307	. . . . .	251	
SHB	1310	. . . . .	145	
HB	1312	. . . . .	22	
SHB	1313	. . . . .	373	
SHB	1314	. . . . .	374	
HB	1315	. . . . .	326	
HB	1319	. . . . .	62	
HB	1321	. . . . .	23	
HB	1323	. . . . .	24	
HB	1325	. . . . .	64	
HB	1327	. . . . .	65	
HB	1328	. . . . .	66	
HB	1329	. . . . .	67	
HB	1330	. . . . .	327	
ESHB	1337	. . . . .	227	
2EHB	1338	. . . . .	228	
SHB	1345	. . . . .	229	
2SHB	1346	. . . . .	146	
SHB	1347	. . . . .	277	
HB	1356	. . . . .	147	
HB	1364	. . . . .	375	
SHB	1366	. . . . .	230	
SHB	1379	. . . . .	231	
HB	1385	. . . . .	134	
HB	1386	. . . . .	442	
SHB	1387	. . . . .	27	
SHB	1393	. . . . .	399	
SHB	1394	. . . . .	25	
HB	1396	. . . . .	29	
SHB	1397	. . . . .	295	
SHB	1401	. . . . .	148	
SHB	1402	. . . . .	400	
HB	1405	. . . . .	149	
SHB	1406	. . . . .	401	
HB	1407	. . . . .	150	
SHB	1408	. . . . .	402	
HB	1409	. . . . .	151	
E2SHB	1418	. . . . .	278	
SHB	1426	. . . . .	403	
ESHB	1431	. . . . .	152	
HB	1432	. . . . .	232	
2SHB	1441	. . . . .	279	PV
HB	1447	. . . . .	153	
HB	1457	. . . . .	252	
SHB	1460	. . . . .	101	
SHB	1461	. . . . .	30	
ESHB	1462	. . . . .	31	
ESHB	1463	. . . . .	404	PV
HB	1469	. . . . .	444	
SHB	1475	. . . . .	132	
SHB	1478	. . . . .	431	
HB	1479	. . . . .	28	
HB	1485	. . . . .	492	
HB	1487	. . . . .	154	
SHB	1491	. . . . .	155	PV
SHB	1495	205	
SHB	1496	206	
SHB	1502	56	
ESHB	1509	253	
SHB	1512	446	
EHB	1533	447	
HB	1534	156	

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SHB	1536	32	ESHB	1754	241	
SHB	1539	448	SHB	1756	376	
SHB	1541	317	2SHB	1758	483	
2SHB	1542	.....	157	HB	1759	.....	51
HB	1546	.....	158	EHB	1769	.....	199
HB	1554	.....	57	HB	1771	.....	287
HB	1555	.....	181	SHB	1791	.....	353
EHB	1557	.....	280	2SHB	1794	.....	258
SHB	1560	.....	159	SHB	1798	.....	407
EHB	1561	441	SHB	1799	408	PV
2SHB	1565	.....	328	SHB	1806	.....	106
ESHB	1569	33	SHB	1823	428	PV
SHB	1577	.....	160	SHB	1830	.....	377
SHB	1591	.....	505	HB	1832	.....	107
HB	1598	.....	233	HB	1837	.....	455
HB	1599	.....	161	HB	1838	.....	34
HB	1600	.....	162	SHB	1847	.....	409
2SHB	1605	.....	306	HB	1848	.....	456
SHB	1606	.....	506	SHB	1854	.....	288
SHB	1607	.....	163	SHB	1856	.....	387
HB	1612	.....	164	HB	1864	.....	329
HB	1621	.....	102	EHB	1872	.....	200
HB	1625	.....	103	SHB	1876	.....	236
SHB	1631	.....	449	SHB	1887	.....	289
SHB	1635	.....	482	2SHB	1888	.....	378
SHB	1636	.....	507	SHB	1891	.....	59
ESHB	1640	.....	429	SHB	1893	.....	493
SHB	1652	.....	281	SHB	1895	.....	299
SHB	1657	.....	58	2SHB	1896	.....	307
SHB	1661	.....	165	SHB	1903	.....	425
HB	1668	.....	282	HB	1915	.....	208
SHB	1681	.....	452	HB	1917	.....	410
SHB	1687	.....	453	SHB	1918	.....	108
2SHB	1688	.....	283	SHB	1934	.....	458
ESHB	1689	.....	454	ESHB	1936	.....	459
HB	1690	.....	405	SHB	1938	.....	247
SHB	1694	.....	284	SHB	1945	.....	109
HB	1695	.....	104	SHB	1951	.....	379
SHB	1696	.....	406	HB	1958	.....	110
SHB	1699	.....	186	2SHB	1970	.....	384
SHB	1703	.....	285	SHB	1987	.....	494
SHB	1708	.....	207	SHB	1995	.....	330
SHB	1711	.....	390	HB	1998	.....	495
SHB	1719	.....	286	HB	1999	.....	331
HB	1722	.....	234	2SHB	2015	.....	460
SHB	1732	198	HB	2028	111	
HB	1739	235	HB	2058	237	
SHB	1747	105	SHB	2061	238	
HB	1749	240	EHB	2064	290	

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SHB	2073		HB	2189
SHB	2081		2SHB	2212
SHB	2085		SHB	2221
EHB	2088		SHB	2223
SHB	2097		SHB	2225
HB	2101		HB	2241
SHB	2124		EHB	2254
SHB	2126		HB	2255
EHB	2131		SHB	2266
SHB	2156		HB	2271
2SHB	2163	PV	HB	2282
HB	2166		SHB	2289
SHB	2169		SHB	2299
HB	2170		SHB	2304
SHB	2171		SHB	2309
SHB	2173		SHB	2311
HB	2185		SHB	2314
HB	2188			

RCW SECTIONS AFFECTED BY 2005 STATUTES

LEGEND				RCW	CH.	SEC.	
ADD	=	Add a new section		3.62	ADD	457	10
AMD	=	Amend existing law		3.62.050	AMD	457	6
DECD	=	Decodify existing law		3.62.060	AMD	457	9
RECD	=	Recodify existing law		3.66	ADD	400	4
REEN	=	Reenact existing law		3.66.010	AMD	282	15
REMD	=	Reenact and amend		3.66.070	AMD	282	16
REP	=	Repeal existing law		3.72.010	AMD	73	1
				3.72.030	AMD	73	2
				4.12.090	AMD	457	11
				4.24	ADD	103	1
1.08.001	AMD	409	1	4.24	ADD	128	1
1.08.003	AMD	409	2	4.24.250	AMD	33	5
1.08.007	AMD	409	3	4.24.250	AMD	291	1
1.08.011	AMD	409	4	4.24.320	AMD	419	2
1.12.070	AMD	502	1	4.24.550	AMD	99	1
1.20	ADD	51	2	4.24.550	AMD	228	1
2	ADD	105	4,5,8	4.24.550	AMD	380	2
2.08.063	AMD	95	1	4.28.100	AMD	117	1
2.08.180	AMD	142	1	5.60.060	AMD	504	705
2.14.110	AMD	282	1	5.60.070	AMD	172	14
2.28	ADD	504	501,502	5.60.072	AMD	172	15
2.28.170	AMD	504	504	6.13.080	AMD	292	4
2.32.160	AMD	190	1	6.15.010	AMD	272	6
2.36.055	AMD	199	2	7	ADD	172	1-12
2.43.020	AMD	282	2				20-23
2.43.030	AMD	282	3	7	ADD	381	1-5
2.43.070	AMD	282	4	7	ADD	433	1-32
2.56	ADD	385	10	7.04.010	REP	433	50
2.56.010	AMD	282	5	7.04.020	REP	433	50
2.56.020	AMD	282	6	7.04.030	REP	433	50
2.56.030	AMD	282	7	7.04.040	REP	433	50
2.56.030	AMD	457	7	7.04.050	REP	433	50
2.56.040	AMD	182	1	7.04.060	REP	433	50
2.56.120	AMD	282	8	7.04.070	REP	433	50
2.56.150	AMD	282	9	7.04.080	REP	433	50
2.56.180	AMD	282	10	7.04.090	REP	433	50
2.64.020	AMD	15	1	7.04.100	REP	433	50
2.64.111	AMD	274	201	7.04.110	REP	433	50
2.68.020	AMD	282	11	7.04.120	REP	433	50
2.70.030	AMD	111	1	7.04.130	REP	433	50
2.70.050	AMD	282	12	7.04.140	REP	433	50
3.34.010	AMD	91	1	7.04.150	REP	433	50
3.46	ADD	457	2	7.04.160	REP	433	50
3.46.030	AMD	282	13	7.04.170	REP	433	50
3.46.150	AMD	433	33	7.04.175	REP	433	50
3.50	ADD	400	6	7.04.180	REP	433	50
3.50	ADD	457	3	7.04.190	REP	433	50
3.50.020	AMD	282	14	7.04.200	REP	433	50
3.50.800	AMD	433	34	7.04.210	REP	433	50
3.50.805	AMD	433	35	7.04.220	REP	433	50
3.58	ADD	457	4				

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RCW		CH.	SEC.	RCW		CH.	SEC.
7.06.010	AMD	472	1	9A.56.080	AMD	419	1
7.06.020	REMD	472	2	10.01.160	AMD	263	2
7.48	ADD	511	1,2	10.14.070	AMD	144	1
7.68	ADD	358	2	10.14.150	AMD	196	1
7.70.065	AMD	440	2	10.14.160	AMD	196	2
7.75.050	AMD	172	16	10.29.030	AMD	274	204
9.41.040	AMD	453	1	10.29.090	AMD	274	205
9.41.047	AMD	453	2	10.46.190	AMD	457	12
9.41.060	AMD	453	3	10.64	ADD	246	1
9.41.075	AMD	453	4	10.64.120	AMD	282	22
9.41.097	AMD	274	202	10.64.120	AMD	400	7
9.41.129	AMD	274	203	10.73.170	AMD	5	1
9.46.0237	AMD	351	1	10.77.010	AMD	504	106
9.46.071	AMD	369	9	10.97.050	AMD	421	9
9.58.110	REP	13	1	10.97.080	AMD	274	206
9.58.120	REP	13	1	10.97.140	AMD	274	207
9.73.230	AMD	282	17	10.98.080	AMD	282	23
9.91	ADD	212	1	10.98.100	AMD	282	24
9.92.060	AMD	362	2	10.98.160	AMD	282	25
9.94.040	AMD	361	1	10.98.200	AMD	274	208
9.94A	ADD	68	4	10.99.090	AMD	274	209
9.94A	ADD	400	1	10.101	ADD	157	3-6
9.94A	ADD	436	5	10.101.005	AMD	157	1
9.94A.030	AMD	436	1	10.101.030	AMD	157	2
9.94A.501	AMD	362	1	11.02.005	AMD	97	1
9.94A.515	REMD	183	9	11.04.270	REP	97	16
9.94A.515	REMD	458	2	11.12.110	AMD	97	2
9.94A.530	AMD	68	2	11.28.170	AMD	97	3
9.94A.535	AMD	68	3	11.40.020	AMD	97	4
9.94A.540	AMD	437	2	11.40.030	AMD	97	5
9.94A.660	REMD	460	1	11.40.051	AMD	97	6
9.94A.712	AMD	436	2	11.40.070	AMD	97	7
9.94A.737	AMD	435	3	11.42.020	AMD	97	8
9.94A.760	AMD	263	1	11.42.030	AMD	97	9
9.94A.850	REMD	282	19	11.42.070	AMD	97	10
9.94A.855	AMD	282	20	11.88.010	AMD	236	2
9.95.204	AMD	362	3	11.88.010	AMD	236	3
9.95.204	AMD	400	2	11.88.080	AMD	97	11
9.95.210	AMD	362	4	11.94.010	AMD	97	12
9.95.214	AMD	400	3	11.98.039	AMD	97	13
9A.04.110	AMD	458	3	12.12.030	AMD	457	13
9A.36	ADD	209	1,2	12.40.020	AMD	457	14
9A.36.031	AMD	458	1	13.04.030	AMD	238	1
9A.42.100	AMD	218	4	13.04.030	AMD	290	1
9A.44.010	AMD	262	1	13.34	ADD	504	303
9A.44.093	AMD	262	2	13.34.050	AMD	512	9
9A.44.096	AMD	262	3	13.34.102	AMD	282	26
9A.44.130	REMD	380	1	13.34.138	AMD	512	3
9A.44.150	AMD	455	1	13.40.060	AMD	165	1
9A.56.030	AMD	212	2	13.40.167	AMD	508	1

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RCW		CH.	SEC.	RCW		CH.	SEC.
13.40.300	AMD	238	2	18.35.060	AMD	45	3
13.40.430	AMD	282	27	18.35.195	AMD	45	4
13.40.570	AMD	274	210	18.36A.020	AMD	158	1
13.64.080	AMD	282	28	18.36A.040	AMD	158	2
13.70.130	AMD	282	29	18.39	ADD	365	8,26
14.08.120	AMD	76	1	18.39.010	AMD	365	1
15.17.243	AMD	49	1	18.39.020	AMD	365	2
15.19.080	AMD	274	211	18.39.035	AMD	365	3
15.26.295	AMD	274	212	18.39.045	AMD	365	4
15.28.315	AMD	274	213	18.39.070	AMD	365	5
15.36.051	AMD	414	1	18.39.100	AMD	365	6
15.36.231	AMD	414	2	18.39.120	AMD	365	7
15.36.241	AMD	414	3	18.39.130	AMD	365	9
15.36.491	AMD	414	4	18.39.145	REMD	365	10
15.44.185	AMD	274	214	18.39.148	REP	365	161
15.49.071	AMD	433	36	18.39.150	REMD	365	11
15.53	ADD	18	5	18.39.170	AMD	365	12
15.53.901	AMD	18	1	18.39.173	AMD	365	13
15.53.9013	AMD	18	2	18.39.175	AMD	365	14
15.53.9014	AMD	18	3	18.39.181	AMD	365	15
15.53.9014	AMD	18	4	18.39.195	AMD	365	16
15.53.9016	AMD	18	6	18.39.215	AMD	365	17
15.53.9018	AMD	18	7	18.39.217	AMD	365	18
15.53.902	AMD	40	1	18.39.220	AMD	365	19
15.53.9024	AMD	18	8	18.39.231	AMD	365	20
15.53.904	AMD	40	2	18.39.250	AMD	365	21
15.53.9044	AMD	18	9	18.39.255	AMD	365	22
15.53.9053	REP	18	10	18.39.345	AMD	365	23
15.58.060	AMD	274	215	18.39.410	AMD	365	24
15.65.203	AMD	274	216	18.39.450	AMD	274	223
15.66.105	AMD	274	217	18.39.800	AMD	365	25
15.76.165	AMD	443	2	18.43.080	AMD	29	1
15.86.110	AMD	274	218	18.44.031	AMD	274	224
15.88.170	AMD	274	219	18.51	ADD	375	1
16.52.117	AMD	481	3	18.51.290	AMD	274	225
16.52.205	AMD	481	1	18.57.280	REP	28	2
16.52.207	AMD	481	2	18.64	ADD	275	4
16.67.180	AMD	274	220	18.64	ADD	293	2
17.21.128	AMD	397	1	18.64.044	AMD	388	5
17.28.255	AMD	181	2	18.64.046	AMD	388	6
18.20	ADD	505	1	18.64.047	AMD	388	7
18.20.195	AMD	506	1	18.64.350	AMD	275	2
18.20.390	AMD	33	2	18.64.360	AMD	275	3
18.27.120	AMD	274	221	18.64.420	AMD	274	226
18.32.040	AMD	274	222	18.71.0195	AMD	274	227
18.32.040	AMD	454	2	18.71.340	AMD	274	228
18.32.195	AMD	164	1	18.71.370	REP	28	2
18.32.195	AMD	454	1	18.73.030	AMD	193	2
18.35.010	AMD	45	1	18.73.250	AMD	463	1
18.35.020	AMD	45	2	18.74	ADD	501	4-6

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
18.74.005	AMD	501	1	18.225.105	AMD	504	707
18.74.010	AMD	501	2	19	ADD	98	1
18.74.012	AMD	501	3	19	ADD	298	1-8
18.79	ADD	268	4	19	ADD	322	1
18.79.070	AMD	17	1	19	ADD	368	2
18.79.240	AMD	28	1	19	ADD	471	1-8
18.79.320	REP	28	2	19	ADD	500	1-9
18.83.110	AMD	504	706	19.02	ADD	201	1
18.85.520	AMD	185	1	19.27	ADD	148	1-3
18.85.530	AMD	185	2	19.28.171	AMD	274	234
18.85.540	AMD	185	3	19.28.311	AMD	280	1
18.96.050	AMD	25	2	19.34.240	AMD	274	235
18.104	ADD	84	6	19.80.065	AMD	274	236
18.104.020	AMD	84	1	19.105.310	AMD	112	1
18.104.043	AMD	84	2	19.105.325	AMD	112	2
18.104.050	AMD	84	3	19.105.380	AMD	25	3
18.104.055	AMD	84	4	19.122	ADD	448	5-8
18.104.100	AMD	84	5	19.122.020	AMD	448	1
18.104.120	AMD	84	7	19.122.027	AMD	448	2
18.104.190	AMD	84	8	19.122.055	AMD	448	3
18.106.320	AMD	274	229	19.122.070	AMD	448	4
18.118.010	AMD	497	218	19.182	ADD	342	1-5
18.120.010	AMD	497	219	19.182.160	AMD	366	1
18.130.070	AMD	470	2	19.188	ADD	230	1
18.130.085	AMD	274	230	19.190	ADD	378	2-5
18.130.095	AMD	274	231	19.190.010	AMD	378	1
18.130.110	AMD	274	232	19.230.190	AMD	274	237
18.130.175	AMD	274	233	21.20.855	AMD	274	238
18.140	ADD	339	21	21.30.170	AMD	274	239
18.140.005	AMD	339	1	21.35.005	AMD	97	14
18.140.010	AMD	339	2	22.09.640	AMD	274	240
18.140.020	AMD	339	3	22.28.030	AMD	97	15
18.140.030	AMD	339	4	26.09.015	AMD	172	17
18.140.060	AMD	339	5	26.09.030	AMD	55	1
18.140.070	AMD	339	6	26.12	ADD	504	503
18.140.100	AMD	339	7	26.12.170	AMD	274	241
18.140.110	AMD	339	8	26.12.177	AMD	282	30
18.140.120	AMD	339	9	26.12.240	AMD	457	15
18.140.130	AMD	339	10	26.12.802	AMD	282	31
18.140.140	AMD	339	11	26.12.804	AMD	282	32
18.140.150	AMD	339	12	26.18.210	AMD	282	33
18.140.155	AMD	339	13	26.18.220	AMD	282	34
18.140.160	AMD	339	14	26.19.011	AMD	282	35
18.140.170	AMD	339	15	26.19.035	AMD	282	36
18.140.200	AMD	339	16	26.19.050	AMD	282	37
18.140.202	AMD	339	17	26.23.120	AMD	274	242
18.140.220	AMD	339	18	26.26.065	AMD	282	38
18.140.230	AMD	339	19	26.44	ADD	345	1,2
18.140.260	AMD	339	20	26.44	ADD	512	6
18.160.050	AMD	109	1	26.44.015	AMD	512	4

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
26.44.020	AMD	512	5	28A.300.455	AMD	277	2
26.44.030	AMD	417	1	28A.305	ADD	497	101-103
26.44.100	AMD	512	1	28A.305.010	REP	497	401
26.50.030	AMD	282	39	28A.305.020	REP	497	401
26.50.035	AMD	282	40	28A.305.030	REP	497	401
27.24.020	AMD	63	2	28A.305.040	REP	497	401
27.24.062	AMD	63	1	28A.305.050	REP	497	401
27.24.070	AMD	457	16	28A.305.060	REP	497	401
27.34	ADD	391	2-6	28A.305.070	REP	497	401
27.34.020	AMD	333	13	28A.305.080	REP	497	401
27.34.070	AMD	333	14	28A.305.090	REP	497	401
27.34.210	REP	333	24	28A.305.100	REP	497	401
27.34.230	AMD	333	15	28A.305.110	REP	497	401
27.34.310	REP	333	24	28A.305.120	REP	497	401
27.34.320	REP	333	24	28A.305.130	AMD	497	104
27.34.330	AMD	160	3	28A.305.200	REP	497	401
27.34.330	AMD	333	16	28A.305.210	AMD	518	913
27.34.342	AMD	333	17	28A.310.110	AMD	497	404
27.34.344	AMD	333	18	28A.315.085	AMD	497	405
27.53.020	AMD	333	19	28A.320	ADD	205	4
27.53.030	AMD	333	20	28A.320.015	AMD	360	7
27.53.070	AMD	274	243	28A.320.160	AMD	274	244
27.53.070	AMD	333	21	28A.335.190	AMD	286	1
27.53.080	AMD	333	22	28A.335.190	AMD	346	2
27.53.095	AMD	333	23	28A.335.210	AMD	36	1
28A.150	ADD	12	7,9	28A.345	ADD	205	2
28A.150	ADD	356	1,2	28A.400.301	AMD	266	1
28A.150.060	AMD	497	212	28A.405.210	AMD	497	216
28A.160.195	AMD	492	1	28A.410	ADD	493	2
28A.165.055	AMD	489	1	28A.410	ADD	498	2
28A.170.080	AMD	497	213	28A.410.010	AMD	497	203
28A.175	ADD	207	1	28A.410.032	AMD	497	220
28A.175.010	AMD	207	3	28A.410.040	AMD	497	204
28A.205.010	AMD	497	214	28A.410.050	AMD	497	205
28A.205.050	AMD	497	215	28A.410.060	AMD	497	206
28A.210	ADD	462	2	28A.410.090	AMD	461	2
28A.210.080	AMD	404	1	28A.410.095	AMD	274	245
28A.230	ADD	491	2	28A.410.100	AMD	497	207
28A.230.090	AMD	205	3	28A.410.120	AMD	497	208
28A.230.190	REP	217	3	28A.410.200	AMD	497	202
28A.230.193	REP	217	3	28A.410.210	AMD	497	201
28A.230.195	AMD	217	1	28A.415	ADD	461	1
28A.230.230	REP	217	3	28A.415.023	AMD	393	1
28A.230.260	REP	217	3	28A.415.023	AMD	497	209
28A.235.160	AMD	287	1	28A.415.060	AMD	497	210
28A.300	ADD	355	1	28A.415.205	AMD	497	211
28A.300	ADD	491	3	28A.500.030	AMD	518	914
28A.300.020	AMD	497	403	28A.505	ADD	514	1103
28A.300.040	AMD	360	6	28A.505.210	AMD	497	105
28A.300.370	AMD	75	2	28A.600.110	AMD	518	915

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
28A.600.150	AMD	518	916	28B.95.110	AMD	272	4
28A.600.300	AMD	207	5	28B.102.040	REMD	518	918
28A.600.310	AMD	125	1	28B.135.030	AMD	490	8
28A.655	ADD	217	2	28C.10.050	AMD	274	247
28A.655	ADD	494	1	29A	ADD	153	1-9
28A.655	ADD	495	1				13
28A.655.020	REP	497	402	29A.04	ADD	2	4
28A.655.030	REP	497	402	29A.04	ADD	244	1
28A.655.070	AMD	497	106	29A.04.008	AMD	243	1
28A.655.900	REP	497	402	29A.04.127	AMD	2	5
28B	ADD	215	1-8	29A.04.157	REP	2	17
28B.10	ADD	12	8	29A.04.225	AMD	274	248
28B.10	ADD	74	1	29A.04.310	AMD	2	8
28B.10	ADD	139	1	29A.04.530	AMD	243	2
28B.10.025	AMD	36	2	29A.04.570	AMD	240	1
28B.10.027	AMD	36	3	29A.08	ADD	246	6,7,12
28B.10.140	AMD	497	217	29A.08.010	AMD	246	2
28B.10.265	REP	249	5	29A.08.030	AMD	246	3
28B.12.060	AMD	93	4	29A.08.107	AMD	246	4
28B.14H.050	AMD	487	6	29A.08.110	AMD	246	5
28B.15	ADD	249	1	29A.08.115	AMD	246	8
28B.15.0131	AMD	163	1	29A.08.125	AMD	246	9
28B.15.069	AMD	258	10	29A.08.145	AMD	246	10
28B.15.380	AMD	249	2	29A.08.155	REP	246	25
28B.15.558	AMD	249	4	29A.08.210	AMD	246	11
28B.15.620	REP	249	5	29A.08.250	AMD	246	13
28B.15.628	REP	249	5	29A.08.330	AMD	246	14
28B.15.629	REP	249	5	29A.08.520	AMD	246	15
28B.15.910	AMD	249	3	29A.08.651	AMD	246	16
28B.20.426	REP	166	4	29A.08.710	AMD	246	17
28B.30.820	REP	353	6	29A.08.720	AMD	246	18
28B.45.014	AMD	258	2	29A.08.730	REP	246	25
28B.45.020	AMD	258	3	29A.08.740	REMD	246	19
28B.45.030	AMD	258	4	29A.08.775	AMD	246	20
28B.45.040	AMD	258	5	29A.12	ADD	242	1
28B.50	ADD	159	1	29A.24.030	AMD	2	9
28B.50	ADD	258	6,12	29A.24.070	AMD	221	1
28B.50.020	AMD	258	7	29A.24.091	AMD	221	2
28B.50.030	AMD	258	8	29A.24.210	AMD	2	10
28B.50.140	AMD	258	9	29A.28.010	REP	2	17
28B.50.360	AMD	488	922	29A.28.020	REP	2	17
28B.50.4892	AMD	119	2	29A.32	ADD	2	11
28B.76.230	AMD	258	11	29A.36	ADD	243	3
28B.76.660	AMD	518	917	29A.36.010	AMD	2	12
28B.85.020	AMD	274	246	29A.36.170	AMD	2	6
28B.92.060	AMD	93	3	29A.36.190	REP	2	17
28B.95	ADD	272	5	29A.40.091	AMD	246	21
28B.95.020	AMD	272	1	29A.40.110	AMD	243	5
28B.95.030	AMD	272	2	29A.40.150	AMD	245	1
28B.95.090	AMD	272	3	29A.44	ADD	242	2,4

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
29A.44	ADD	243	6,7	35.13A	ADD	43	1
29A.48.010	AMD	241	1	35.20	ADD	457	5
29A.52	ADD	2	7	35.20.010	AMD	433	37
29A.52.010	AMD	2	13	35.20.030	AMD	282	41
29A.52.220	AMD	153	10	35.20.255	AMD	400	5
29A.60	ADD	242	3,5	35.21	ADD	338	2
29A.60	ADD	243	8-11	35.21	ADD	476	2
29A.60.021	AMD	243	12	35.21.225	AMD	336	22
29A.60.050	AMD	243	13	35.21.228	AMD	274	264
29A.60.070	AMD	243	14	35.21.759	AMD	274	265
29A.60.070	AMD	274	249	35.21.766	AMD	482	2
29A.60.140	AMD	274	250	35.22.425	AMD	433	38
29A.60.160	AMD	153	11	35.23.555	AMD	433	39
29A.60.160	AMD	243	15	35.27.515	AMD	433	40
29A.60.190	AMD	153	12	35.30.100	AMD	433	41
29A.60.190	AMD	243	16	35.58.2796	AMD	319	101
29A.60.210	AMD	243	17	35.61.132	AMD	4	1
29A.60.250	AMD	243	18	35.61.290	AMD	226	1
29A.64.021	AMD	243	19	35.61.300	AMD	226	2
29A.64.030	AMD	243	20	35.63.260	AMD	172	18
29A.64.061	AMD	243	21	35.77.010	REMD	360	4
29A.68.011	AMD	243	22	35.80.030	AMD	364	3
29A.72.110	AMD	239	1	35.87A.010	AMD	178	1
29A.72.120	AMD	239	2	35.91.040	AMD	324	1
29A.72.130	AMD	239	3	35.95A	ADD	19	2
29A.80.010	AMD	2	14	35.102.040	AMD	274	266
29A.84	ADD	242	6	35A	ADD	376	201-204
29A.84	ADD	243	23	35A.11.110	AMD	38	1
29A.84.140	AMD	246	22	35A.11.200	AMD	433	42
29A.84.650	AMD	243	24	35A.16	ADD	77	1
30.04.075	AMD	274	251	35A.21	ADD	338	3
30.04.230	AMD	274	252	35A.21.300	AMD	274	267
30.04.410	AMD	274	253	36.01	ADD	338	4
30.38	ADD	348	3	36.01.050	AMD	282	42
30.38.005	AMD	348	1	36.01.210	AMD	274	268
30.38.010	AMD	348	2	36.04.170	AMD	90	1
31.12.565	AMD	274	254	36.18.010	AMD	374	1
31.45	ADD	256	1	36.18.010	AMD	484	19
31.45.030	AMD	274	255	36.18.012	AMD	457	17
31.45.077	AMD	274	256	36.18.016	AMD	202	1
31.45.090	AMD	274	257	36.18.016	AMD	374	2
32.04.030	AMD	348	4	36.18.016	AMD	457	18
32.04.220	AMD	274	258	36.18.018	AMD	282	43
32.32.228	AMD	274	259	36.18.020	AMD	374	5
32.32.228	AMD	348	5	36.18.020	AMD	457	19
32.32.275	AMD	274	260	36.18.022	AMD	374	6
33.04.110	AMD	274	261	36.22	ADD	484	9
34.05.325	AMD	274	262	36.22.170	AMD	442	1
35	ADD	376	101-104	36.22.178	AMD	484	18
35.02.130	AMD	274	263	36.28A.060	AMD	274	269

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
36.29.010	AMD	502	2	39.10.020	REMD	469	3
36.57.120	AMD	274	270	39.10.100	AMD	274	275
36.57A.170	AMD	274	271	39.10.902	REMD	469	5
36.69.310	AMD	226	3	39.19.240	AMD	302	5
36.70A	ADD	328	1	39.53.120	AMD	487	7
36.70A	ADD	423	4,5	39.58.080	AMD	203	1
36.70A.030	AMD	423	2	39.58.085	AMD	203	2
36.70A.060	AMD	423	3	39.96.020	AMD	154	1
36.70A.070	AMD	360	2	40.07.040	AMD	274	276
36.70A.070	AMD	477	1	40.14.070	AMD	227	1
36.70A.130	AMD	294	2	41.04.005	REMD	247	1
36.70A.130	AMD	423	6	41.04.005	REMD	255	1
36.70B.220	AMD	274	272	41.04.007	AMD	216	7
36.70C.120	AMD	274	273	41.04.007	AMD	251	1
36.73	ADD	336	1	41.04.270	AMD	327	1
			17-19	41.04.276	AMD	24	1
36.73.010	AMD	336	2	41.04.385	AMD	490	9
36.73.020	AMD	336	3	41.05	ADD	6	2,12
36.73.040	AMD	336	4	41.05	ADD	46	1
36.73.050	AMD	336	5	41.05	ADD	143	2,4
36.73.060	AMD	336	6	41.05	ADD	195	2
36.73.070	AMD	336	7	41.05	ADD	267	1
36.73.080	AMD	336	8	41.05.011	AMD	143	1
36.73.100	AMD	336	9	41.05.013	AMD	462	3
36.73.110	AMD	336	10	41.05.021	AMD	446	1
36.73.120	AMD	336	11	41.05.026	AMD	274	277
36.73.130	AMD	336	12	41.05.050	AMD	518	919
36.73.140	AMD	336	13	41.05.065	AMD	195	1
36.73.150	AMD	336	14	41.05.065	AMD	518	920
36.75.010	AMD	161	1	41.05.075	AMD	446	2
36.77.065	AMD	162	1	41.05.085	AMD	195	3
36.78.040	AMD	233	1	41.05.120	AMD	143	3
36.78.070	AMD	319	102	41.05.120	AMD	518	921
36.81.121	AMD	360	3	41.05.190	REP	47	3
36.81.130	AMD	162	2	41.05.195	AMD	47	1
36.94.140	AMD	324	2	41.05.197	AMD	47	2
36.102.200	AMD	274	274	41.06	ADD	333	9
38	ADD	254	1-12	41.06	ADD	424	14
38.08.040	AMD	9	1	41.06.160	AMD	274	278
38.20.010	AMD	252	3	41.06.167	AMD	274	279
38.24.010	AMD	9	2	41.06.450	AMD	274	280
38.40	ADD	252	1,2	41.06.455	AMD	274	281
38.52.105	AMD	422	2	41.24	ADD	37	3
39	ADD	12	1-6	41.24.010	AMD	37	1
			10	41.24.030	AMD	37	2
			12-14	41.26	ADD	21	1
39.04	ADD	3	1-3	41.26.030	AMD	459	1
39.04	ADD	12	11	41.26.110	AMD	66	1
39.08.100	AMD	101	1	41.26.160	AMD	62	1
39.10	ADD	377	1-3	41.26.161	AMD	62	2

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
41.26.162	AMD	62	3	41.56.060	AMD	232	1
41.26.164	AMD	67	1	41.56.473	AMD	438	1
41.26.470	AMD	451	1	41.56.475	AMD	438	2
41.26.500	AMD	372	1	42	ADD	274	1
41.26.500	AMD	372	2				101-103
41.26.520	AMD	64	9				403-428
41.26.547	AMD	459	2	42.12.040	AMD	2	15
41.32	ADD	65	1,2	42.17	ADD	368	1
41.32	ADD	131	2,5	42.17	ADD	445	1-5
41.32.010	AMD	23	1	42.17	ADD	483	3
41.32.010	AMD	131	8	42.17	ADD	510	5
41.32.260	AMD	64	6	42.17.020	AMD	445	6
41.32.810	AMD	64	7	42.17.080	AMD	184	1
41.32.860	AMD	327	2	42.17.095	AMD	467	1
41.32.865	AMD	64	8	42.17.103	AMD	445	7
41.34.070	AMD	327	3	42.17.110	AMD	445	8
41.35	ADD	131	3,6	42.17.2401	REMD	424	17
41.35.030	AMD	131	9	42.17.245	AMD	274	282
41.35.050	REP	327	11	42.17.250	RECD	274	103
41.35.470	AMD	64	4	42.17.251	RECD	274	103
41.35.650	AMD	64	5	42.17.251	AMD	274	283
41.37.010	AMD	327	4	42.17.255	RECD	274	103
41.37.020	AMD	327	5	42.17.258	RECD	274	103
41.37.040	REP	327	11	42.17.260	RECD	274	103
41.37.050	AMD	327	6	42.17.260	AMD	274	284
41.37.250	AMD	327	7	42.17.270	RECD	274	103
41.37.260	AMD	64	11	42.17.270	AMD	274	285
41.40	ADD	131	1,4	42.17.270	AMD	483	1
41.40.023	AMD	131	7	42.17.280	RECD	274	103
41.40.023	AMD	151	12	42.17.290	RECD	274	103
41.40.032	REP	327	11	42.17.295	RECD	274	103
41.40.037	AMD	319	103	42.17.300	RECD	274	103
41.40.038	AMD	363	1	42.17.300	REMD	483	2
41.40.170	AMD	64	1	42.17.305	RECD	274	103
41.40.170	AMD	247	2	42.17.305	AMD	274	286
41.40.197	AMD	327	8	42.17.310	REMD	33	4
41.40.710	AMD	64	2	42.17.310	REMD	172	13
41.40.805	AMD	64	3	42.17.310	RECD	274	103
41.40.850	AMD	327	9	42.17.310	REMD	274	402
41.45	ADD	370	6	42.17.310	REMD	284	1
41.45.010	AMD	370	3	42.17.310	REMD	312	5
41.45.010	AMD	370	4	42.17.310	REMD	312	6
41.45.054	DECD	370	5	42.17.310	REMD	349	1
41.45.060	REMD	370	1	42.17.310	REMD	424	15
41.45.060	AMD	370	2	42.17.310	REMD	424	16
41.45.070	REEN	327	10	42.17.311	RECD	274	103
41.50.067	REP	327	11	42.17.311	AMD	274	287
41.50.088	AMD	327	14	42.17.312	REP	274	429
41.50.110	AMD	518	922	42.17.313	REP	274	429
41.50.110	AMD	518	923	42.17.314	REP	274	429

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RCW		CH.	SEC.	RCW		CH.	SEC.
42.17.315	REP	274	429	42.52.200	AMD	106	3
42.17.316	REP	274	429	42.52.360	AMD	106	5
42.17.317	REP	274	429	42.52.425	AMD	116	1
42.17.318	REP	274	429	42.52.450	AMD	116	2
42.17.319	REP	274	429	42.52.810	AMD	274	293
42.17.31901	REP	274	429	43	ADD	69	1,2
42.17.31902	REP	274	429	43	ADD	333	1-8
42.17.31903	REP	274	429				12
42.17.31904	REP	274	429	43	ADD	424	1-8
42.17.31905	REP	274	429	43	ADD	484	1-3
42.17.31906	REP	274	429				5-8
42.17.31907	REP	274	429				10-17
42.17.31908	REP	274	429				20,21
42.17.31909	REP	274	429				24,25
42.17.31910	REP	274	429	43	ADD	485	1
42.17.31911	REP	274	429	43	ADD	487	1-5
42.17.31912	REP	274	429	43	ADD	514	901
42.17.31913	REP	274	429				908-912
42.17.31914	REP	274	429	43.01.090	AMD	330	5
42.17.31915	REP	274	429	43.03.011	AMD	519	1
42.17.31916	REP	274	429	43.03.012	AMD	519	2
42.17.31917	REP	274	429	43.03.013	AMD	519	3
42.17.31918	REP	274	429	43.06	ADD	11	2
42.17.31919	REP	274	429	43.06.460	AMD	208	1
42.17.31920	REP	274	429	43.06A.050	AMD	274	294
42.17.31921	REP	274	429	43.07	ADD	326	2
42.17.320	RECD	274	103	43.07.130	AMD	518	924
42.17.325	RECD	274	103	43.08	ADD	450	2
42.17.330	RECD	274	103	43.08.190	AMD	518	925
42.17.340	RECD	274	103	43.08.250	AMD	105	2
42.17.340	AMD	274	288	43.08.250	AMD	282	44
42.17.340	AMD	483	5	43.08.250	AMD	457	8
42.17.341	RECD	274	103	43.08.250	AMD	518	926
42.17.341	AMD	274	289	43.08.260	AMD	105	3
42.17.348	RECD	274	103	43.08.260	RECD	105	8
42.17.348	AMD	274	290	43.08.270	REP	105	6
42.17.348	AMD	483	4	43.09	ADD	385	2,3,5,6
42.17.505	REP	445	13				8,9,11
42.17.510	AMD	445	9	43.09.310	AMD	387	2
42.17.530	AMD	445	10	43.10.101	AMD	319	104
42.17.640	REMD	445	11	43.10.180	AMD	518	927
42.17.660	AMD	445	12	43.17	ADD	384	2-4
42.23.030	AMD	114	1	43.17.010	REMD	333	10
42.30.080	AMD	273	1	43.17.020	AMD	319	2
42.30.110	AMD	424	13	43.17.020	AMD	333	11
42.48.030	AMD	274	291	43.17.200	AMD	36	4
42.52	ADD	106	4	43.17.210	AMD	36	5
42.52.010	AMD	106	1	43.19	ADD	16	1
42.52.030	AMD	106	2	43.19	ADD	299	5,6
42.52.050	AMD	274	292	43.19.1911	AMD	204	5

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RCW		CH.	SEC.	RCW		CH.	SEC.
43.19.455	AMD	36	6	43.43.830	AMD	421	1
43.19.500	AMD	330	6	43.43.832	AMD	421	2
43.19.520	AMD	204	1	43.43.834	AMD	421	3
43.19.530	AMD	204	2	43.43.835	REP	421	8
43.19.531	AMD	204	3	43.43.836	AMD	421	4
43.19.533	AMD	204	4	43.43.838	AMD	421	5
43.19.565	AMD	214	1	43.43.840	AMD	421	6
43.19.605	REP	214	3	43.43.845	AMD	237	1
43.19.615	AMD	214	2	43.43.845	AMD	421	7
43.20A	ADD	369	3	43.43.856	AMD	274	298
43.20A	ADD	504	802	43.43.932	AMD	35	1
43.20A.890	AMD	369	2	43.43.944	AMD	518	929
43.20B	ADD	292	1	43.52.460	AMD	443	3
43.20B.030	AMD	292	5	43.52.570	AMD	274	299
43.20B.080	AMD	292	6	43.52.612	AMD	274	300
43.21A	ADD	464	4	43.59.150	REMD	426	6
43.21A.670	REP	136	18	43.60A	ADD	216	4
43.21B.305	AMD	34	2	43.60A	ADD	257	2
43.21J.010	AMD	136	1	43.63A.125	AMD	160	1
43.21L.120	AMD	274	295	43.63A.135	AMD	160	4
43.22.340	AMD	399	2	43.63A.230	AMD	136	2
43.22.432	AMD	399	3	43.63A.240	REP	136	18
43.22.434	AMD	274	296	43.63A.245	REP	136	18
43.23.240	REP	136	18	43.63A.247	REP	136	18
43.24	ADD	25	1	43.63A.249	REP	136	18
43.30	ADD	155	1004	43.63A.265	REP	136	18
43.30.305	AMD	518	928	43.63A.270	REP	136	18
43.30.470	REP	136	18	43.63A.690	AMD	302	6
43.31	ADD	402	2-7	43.63A.715	REP	136	18
			9	43.63A.750	AMD	160	2
43.31.057	REP	136	18	43.70	ADD	462	4
43.31.093	REP	136	18	43.70.005	AMD	32	1
43.31.145	REP	136	18	43.70.040	AMD	32	2
43.31.390	REP	136	18	43.70.050	AMD	274	301
43.31.403	REP	136	18	43.70.110	AMD	268	2
43.31.406	REP	136	18	43.70.235	AMD	54	1
43.31.409	REP	136	18	43.70.250	AMD	268	3
43.31.411	REP	136	18	43.70.450	REP	136	18
43.31.414	REP	136	18	43.70.460	AMD	156	1
43.31.417	REP	136	18	43.70.470	AMD	156	2
43.31.522	AMD	136	17	43.70.510	AMD	33	6
43.31.526	REP	136	18	43.70.510	AMD	274	302
43.33A.025	AMD	274	297	43.70.510	AMD	291	2
43.43	ADD	27	2	43.70.540	AMD	282	45
43.43	ADD	421	10	43.72.900	AMD	518	930
43.43	ADD	464	5	43.79.270	AMD	319	105
43.43.020	AMD	434	4	43.79.280	AMD	319	106
43.43.112	AMD	124	1	43.79.445	AMD	166	3
43.43.260	AMD	64	10	43.79.480	AMD	424	12
43.43.570	AMD	373	2	43.79A.040	REMD	16	2

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RCW		CH.	SEC.	RCW		CH.	SEC.
43.79A.040	REMD	215	10	43.155.050	AMD	425	4
43.79A.040	REMD	402	8	43.155.050	AMD	488	925
43.79A.040	REMD	424	18	43.160	ADD	425	2,3
43.84.092	REMD	83	4	43.160.115	REP	136	18
43.84.092	AMD	83	5	43.160.180	REP	136	18
43.84.092	REMD	94	1	43.163.130	REMD	137	1
43.84.092	AMD	94	2	43.163.210	AMD	137	2
43.84.092	REMD	312	7	43.165.010	REP	136	18
43.84.092	AMD	312	8	43.168.020	AMD	136	3
43.84.092	REMD	314	109	43.168.031	REP	136	18
43.84.092	AMD	314	110	43.168.040	AMD	136	4
43.84.092	REMD	339	22	43.168.050	AMD	136	5
43.84.092	AMD	339	23	43.168.060	AMD	136	6
43.84.092	REMD	353	2	43.168.070	AMD	136	7
43.84.092	REMD	353	3	43.168.090	AMD	136	8
43.84.092	AMD	353	4	43.168.100	AMD	136	9
43.84.092	AMD	514	1105	43.168.130	AMD	136	10
43.84.092	AMD	514	1106	43.168.150	AMD	136	11
43.86A	ADD	302	4	43.170.010	REP	136	18
43.86A.030	AMD	302	2	43.170.020	REP	136	18
43.86A.060	AMD	302	3	43.170.030	REP	136	18
43.88	ADD	319	143	43.170.040	REP	136	18
43.88	ADD	385	7	43.170.060	REP	136	18
43.88	ADD	386	1	43.170.070	REP	136	18
43.88.020	AMD	319	107	43.172.005	REP	136	18
43.88.030	AMD	319	108	43.172.010	REP	136	18
43.88.030	AMD	386	3	43.172.011	REP	136	18
43.88.032	AMD	488	921	43.172.020	REP	136	18
43.88.090	AMD	386	2	43.172.030	REP	136	18
43.88.230	AMD	319	109	43.172.040	REP	136	18
43.99K.030	AMD	487	8	43.172.050	REP	136	18
43.101.080	AMD	434	1	43.172.060	REP	136	18
43.101.095	AMD	434	2	43.172.070	REP	136	18
43.101.105	AMD	434	3	43.172.080	REP	136	18
43.101.280	AMD	282	46	43.172.090	REP	136	18
43.103.030	AMD	166	2	43.172.100	REP	136	18
43.105.160	AMD	319	110	43.172.110	REP	136	18
43.105.190	AMD	319	111	43.172.120	REP	136	18
43.121	ADD	347	1,2	43.172.900	REP	136	18
43.121.100	AMD	53	4	43.172.901	REP	136	18
43.131.381	REP	302	7	43.172.902	REP	136	18
43.131.382	REP	302	7	43.172.903	REP	136	18
43.135.010	AMD	72	3	43.180	ADD	120	2
43.135.025	AMD	72	4	43.185.050	AMD	219	1
43.135.035	REMD	72	2	43.185.050	AMD	518	1801
43.135.035	AMD	72	5	43.185.070	AMD	219	2
43.135.045	AMD	72	6	43.185.070	AMD	518	1802
43.135.045	AMD	314	401	43.185A.030	AMD	219	3
43.135.045	AMD	488	920	43.185A.030	AMD	518	1803
43.135.045	AMD	518	931	43.185B.005	AMD	484	22

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RCW		CH.	SEC.	RCW		CH.	SEC.
43.185B.009	AMD	484	23	46.04	ADD	71	2
43.320.110	REMD	518	932	46.04	ADD	85	2
43.330	ADD	135	2	46.04	ADD	177	2
43.330	ADD	427	1	46.04	ADD	183	1
43.330.050	AMD	136	12	46.04	ADD	220	2
43.330.060	AMD	136	13	46.04	ADD	426	2
43.330.090	AMD	136	14	46.04.215	AMD	200	1
43.330.092	AMD	136	15	46.09	ADD	213	4,5
43.330.180	REP	136	18	46.09.010	AMD	213	2
44.04	ADD	319	12,13	46.09.120	AMD	213	3
			143	46.10.010	AMD	235	1
44.04.260	AMD	319	112	46.10.020	AMD	235	2
44.05.080	AMD	274	303	46.10.040	AMD	235	3
44.28	ADD	450	3	46.12.030	AMD	173	1
44.28.088	AMD	319	113	46.12.102	AMD	331	1
44.28.161	AMD	319	25	46.12.290	AMD	399	4
44.39	ADD	299	4	46.12.370	AMD	340	1
44.39.010	AMD	299	1	46.12.380	AMD	274	304
44.39.070	AMD	299	2	46.12.380	AMD	340	2
44.40.010	REP	319	141	46.12.390	AMD	274	305
44.40.013	REP	319	141	46.16	ADD	42	1,2
44.40.015	REP	319	141	46.16	ADD	44	1,2
44.40.020	REP	319	141	46.16	ADD	48	1,4
44.40.025	AMD	319	114	46.16	ADD	53	1
44.40.025	RECD	319	143	46.16	ADD	71	1,4
44.40.030	REP	319	141	46.16	ADD	79	1
44.40.040	REP	319	141	46.16	ADD	85	1,4
44.40.070	REP	319	141	46.16	ADD	177	1,4
44.40.080	REP	319	141	46.16	ADD	210	1
44.40.090	REP	319	141	46.16	ADD	216	1,2
44.40.100	REP	319	141	46.16	ADD	220	1,4
44.40.120	RECD	319	143	46.16	ADD	224	1,2
44.40.140	REP	319	141	46.16	ADD	225	1,2
44.40.150	REP	319	141	46.16	ADD	295	7
44.40.161	REP	319	141	46.16	ADD	314	203,206
44.75.020	AMD	319	16	46.16	ADD	426	1,4
44.75.030	AMD	319	17	46.16.010	REMD	213	6
44.75.040	AMD	319	18	46.16.010	REMD	323	2
44.75.050	AMD	319	19	46.16.010	REMD	350	1
44.75.080	AMD	319	20	46.16.070	REMD	314	204
44.75.090	AMD	319	21	46.16.237	AMD	314	301
44.75.100	AMD	319	22	46.16.270	AMD	314	302
44.75.110	AMD	319	23	46.16.313	REMD	42	3
44.75.120	AMD	319	24	46.16.313	REMD	44	3
46	ADD	314	201,202	46.16.313	REMD	48	3
46.01.140	AMD	343	1	46.16.313	REMD	53	3
46.01.320	AMD	319	115	46.16.313	REMD	71	3
46.01.325	AMD	319	116	46.16.313	REMD	85	3
46.04	ADD	48	2	46.16.313	REMD	177	3
46.04	ADD	53	2	46.16.313	REMD	216	3

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RCW		CH.	SEC.	RCW		CH.	SEC.
46.16.313	REMD	220	3	46.37.190	AMD	183	8
46.16.313	REMD	224	3	46.37.540	AMD	295	8
46.16.313	REMD	225	3	46.44	ADD	189	3
46.16.313	REMD	426	3	46.44	ADD	264	1
46.16.316	REMD	210	2	46.44	ADD	311	1
46.16.333	AMD	426	5	46.44.010	AMD	189	1
46.16.381	AMD	390	2	46.44.030	AMD	189	2
46.16.385	AMD	210	3	46.44.170	AMD	399	1
46.16.385	AMD	390	3	46.52.030	AMD	171	1
46.16.390	AMD	390	4	46.52.060	AMD	171	2
46.16.570	AMD	210	4	46.55	ADD	88	1
46.16.600	AMD	210	5	46.55.010	AMD	88	2
46.16.690	AMD	210	6	46.55.113	REMD	390	5
46.16.705	AMD	319	117	46.61	ADD	132	2
46.16.715	AMD	319	118	46.61	ADD	183	2-7
46.16.725	AMD	210	7	46.61	ADD	396	4
46.16.725	AMD	319	119	46.61	ADD	413	1
46.16.745	AMD	210	8	46.61.110	AMD	396	1
46.20	ADD	61	3,4	46.61.120	AMD	396	2
46.20	ADD	288	1	46.61.125	AMD	396	3
46.20.041	AMD	274	306	46.61.581	AMD	390	1
46.20.049	AMD	314	309	46.61.655	AMD	431	1
46.20.055	AMD	314	303	46.61.687	AMD	132	1
46.20.070	AMD	314	304	46.61.687	AMD	415	1
46.20.117	AMD	314	305	46.63	ADD	167	1
46.20.118	AMD	246	23	46.63	ADD	331	2
46.20.118	AMD	274	307	46.63.020	AMD	183	10
46.20.120	AMD	61	2	46.63.020	AMD	323	3
46.20.120	AMD	314	306	46.63.020	AMD	431	2
46.20.155	AMD	246	24	46.63.030	AMD	167	2
46.20.265	AMD	288	2	46.63.075	AMD	167	3
46.20.270	AMD	288	3	46.63.110	AMD	288	8
46.20.285	AMD	288	4	46.63.110	AMD	320	2
46.20.286	AMD	282	47	46.63.110	AMD	413	2
46.20.289	AMD	288	5	46.68	ADD	314	104,105
46.20.308	REMD	269	1				111
46.20.308	REMD	314	307	46.68.035	AMD	314	205
46.20.311	AMD	314	308	46.68.090	AMD	314	103
46.20.324	AMD	288	6	46.68.110	AMD	89	1
46.20.334	AMD	288	7	46.68.110	AMD	314	106
46.20.750	AMD	200	2	46.73.010	AMD	319	120
46.23.040	REP	319	141	46.87.010	AMD	194	1
46.25.010	AMD	325	2	46.87.020	AMD	194	2
46.25.090	AMD	325	5	46.87.030	AMD	194	3
46.25.123	AMD	325	3	46.87.050	AMD	194	4
46.25.125	AMD	325	4	46.87.070	AMD	194	5
46.32.100	AMD	444	1	46.87.080	AMD	194	6
46.37	ADD	50	1	46.87.085	REP	194	11
46.37	ADD	320	1	46.87.120	AMD	194	7
46.37.010	AMD	213	7	46.87.130	AMD	194	8

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RCW		CH.	SEC.	RCW		CH.	SEC.
46.87.140	AMD	194	9	47.56.273	REP	335	5
46.87.170	REP	194	11	47.56.282	REP	335	5
46.87.180	REP	194	11	47.56.284	REP	335	5
46.87.190	AMD	194	10	47.56.286	REP	335	5
46.87.901	REP	194	11	47.56.287	REP	335	5
46.96.150	AMD	433	43	47.56.288	REP	335	5
47	ADD	317	1-28	47.56.290	REP	335	5
47.01	ADD	318	2,3	47.56.291	REP	335	5
47.01	ADD	319	6	47.56.310	REP	335	5
47.01.041	AMD	319	3	47.56.320	REP	335	5
47.01.061	AMD	319	4	47.56.330	REP	335	5
47.01.071	AMD	319	5	47.56.340	REP	335	5
47.01.101	REMD	319	7	47.56.343	REP	335	5
47.01.145	REP	319	141	47.56.345	REP	335	5
47.01.280	AMD	319	121	47.56.360	REP	335	5
47.04	ADD	317	30	47.56.380	REP	335	5
47.04.210	AMD	319	122	47.56.390	REP	335	5
47.04.220	AMD	319	123	47.56.400	REP	335	5
47.05.021	AMD	319	8	47.56.410	REP	335	5
47.05.030	AMD	319	9	47.56.420	REP	335	5
47.05.035	AMD	319	10	47.56.430	REP	335	5
47.05.051	AMD	319	11	47.56.440	REP	335	5
47.05.090	REP	319	141	47.56.450	REP	335	5
47.06.110	AMD	319	124	47.56.460	REP	335	5
47.06A.020	AMD	319	125	47.56.470	REP	335	5
47.10	ADD	315	1-6	47.56.480	REP	335	5
47.10.790	AMD	319	126	47.56.490	REP	335	5
47.10.801	AMD	319	127	47.56.500	REP	335	5
47.10.802	AMD	319	128	47.56.580	REP	335	5
47.12.360	REP	319	141	47.56.590	REP	335	5
47.17.520	AMD	14	1	47.56.610	REP	335	5
47.17.850	AMD	319	129	47.56.630	REP	335	5
47.26	ADD	83	2,3	47.56.631	REP	335	5
47.26.167	AMD	319	130	47.56.640	REP	335	5
47.26.170	AMD	319	131	47.56.643	REP	335	5
47.36	ADD	407	3	47.56.646	REP	335	5
47.36.030	AMD	398	1	47.56.649	REP	335	5
47.36.310	AMD	407	1	47.56.652	REP	335	5
47.36.320	REMD	407	2	47.56.655	REP	335	5
47.36.325	REP	407	5	47.56.658	REP	335	5
47.36.330	AMD	136	16	47.56.659	REP	335	5
47.42.020	AMD	398	2	47.56.661	REP	335	5
47.46	ADD	329	2	47.56.667	REP	335	5
47.46.030	AMD	319	132	47.56.700	REP	335	5
47.46.040	AMD	319	133	47.56.701	REP	335	5
47.46.090	AMD	329	1	47.56.702	REP	335	5
47.56	ADD	312	2,3	47.56.703	REP	335	5
47.56	ADD	336	25	47.56.704	REP	335	5
47.56.076	AMD	335	3	47.56.705	REP	335	5
47.56.270	AMD	335	4	47.56.706	REP	335	5

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RCW			RCW				
	CH.	SEC.		CH.	SEC.		
47.56.7115	REP	335	5	48.11.100	AMD	223	3
47.56.7125	REP	335	5	48.11.140	AMD	223	4
47.56.740	REP	335	5	48.14.010	AMD	223	5
47.56.741	REP	335	5	48.14.0201	AMD	7	1
47.56.742	REP	335	5	48.14.0201	AMD	223	6
47.56.743	REP	335	5	48.14.0201	AMD	405	1
47.56.744	REP	335	5	48.14.029	REP	443	7
47.56.745	REP	335	5	48.17.150	AMD	223	7
47.56.746	REP	335	5	48.18	ADD	337	4,6,7
47.56.747	REP	335	5	48.18	ADD	441	1
47.56.748	REP	335	5	48.18.010	AMD	337	2
47.56.749	REP	335	5	48.18.030	AMD	337	3
47.56.750	REP	335	5	48.18.060	AMD	337	5
47.56.751	REP	335	5	48.18.100	AMD	223	8
47.56.752	REP	335	5	48.18.103	AMD	223	9
47.56.753	REP	335	5	48.18.430	AMD	223	10
47.56.754	REP	335	5	48.20.530	AMD	274	310
47.56.755	REP	335	5	48.21	ADD	6	3
47.56.756	REP	335	5	48.21.047	AMD	223	11
47.56.760	REP	335	5	48.21.240	AMD	6	7
47.56.761	REP	335	5	48.21.330	AMD	274	311
47.58.500	REP	335	5	48.23.010	AMD	223	12
47.60.326	AMD	270	1	48.24.020	AMD	222	1
47.60.445	REP	335	5	48.24.030	AMD	222	2
47.60.450	REP	335	5	48.24.030	AMD	223	13
47.60.502	REP	335	5	48.29.010	AMD	223	14
47.60.503	REP	335	5	48.29.020	AMD	223	15
47.64.220	AMD	274	308	48.29.030	REP	223	35
47.66	ADD	312	4	48.29.060	REP	223	35
47.66	ADD	318	6	48.29.070	REP	223	35
47.66.030	AMD	318	4	48.29.090	REP	223	35
47.66.040	AMD	318	5	48.29.100	REP	223	35
47.68	ADD	316	1-3	48.29.110	REP	223	35
47.68.230	AMD	341	1	48.29.120	AMD	223	16
47.68.233	REP	341	5	48.29.130	AMD	223	17
47.68.234	REP	341	5	48.29.155	AMD	115	1
47.68.236	REP	341	5	48.29.170	AMD	223	18
47.68.240	REMD	341	2	48.30.270	AMD	352	1
47.74.010	REP	319	141	48.30.300	AMD	223	19
47.74.020	REP	319	141	48.30A.045	AMD	223	20
47.76.340	REP	319	141	48.30A.060	AMD	223	21
47.80.030	AMD	328	2	48.30A.060	AMD	274	312
47.80.060	AMD	334	1	48.30A.065	AMD	223	22
48	ADD	92	1-17	48.31	ADD	432	3-10
48.02	ADD	6	10	48.31.020	AMD	432	1
48.02.065	AMD	126	1	48.31.100	AMD	223	23
48.02.065	AMD	274	309	48.31.115	AMD	432	2
48.02.180	AMD	223	1	48.32.010	AMD	100	1
48.05.340	AMD	223	2	48.32.020	AMD	100	2
48.05.360	REP	223	35	48.32.030	AMD	100	3

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
48.32.040	AMD	100	4	50.40.065	AMD	204	6
48.32.050	AMD	100	5	50.40.066	AMD	204	7
48.32.060	AMD	100	6	51.14.030	AMD	145	3
48.32.100	AMD	100	7	51.14.110	AMD	145	1
48.32A.185	AMD	274	313	51.14.110	AMD	145	2
48.34.910	REP	223	35	51.16	ADD	422	1
48.38.030	AMD	223	24	51.16.035	AMD	410	1
48.41.060	AMD	7	2	51.28	ADD	108	1
48.41.090	AMD	405	2	51.28.020	AMD	108	2
48.43	ADD	278	1,2	51.28.020	AMD	108	3
48.43.055	AMD	172	19	51.28.080	AMD	108	4
48.44	ADD	6	4	51.32.220	AMD	198	1
48.44.240	AMD	223	25	51.36	ADD	411	1
48.44.340	AMD	6	8	51.36.120	AMD	274	325
48.44.470	AMD	274	314	51.44	ADD	387	1
48.46	ADD	6	5	51.44.040	AMD	475	1
48.46.290	AMD	6	9	52	ADD	376	301-304
48.46.540	AMD	274	315	52.02.020	AMD	281	1
48.62	ADD	147	2	52.14.100	AMD	274	326
48.62.031	AMD	147	1	53	ADD	376	401-404
48.62.101	AMD	274	316	53.08.145	REP	352	2
48.66	ADD	41	2	53.08.350	REP	319	141
48.66.020	AMD	41	3	54.16	ADD	175	2,3
48.66.045	AMD	41	4	59.12.070	AMD	130	1
48.66.055	AMD	41	5	59.18.060	AMD	465	2
48.66.130	AMD	41	6	59.18.085	AMD	364	2
48.92.120	AMD	223	31	59.18.320	AMD	433	45
48.94.010	AMD	274	317	59.18.330	AMD	433	46
48.98.015	AMD	223	32	59.18.365	AMD	130	3
48.104.050	AMD	274	318	59.18.370	AMD	130	2
48.110.030	AMD	223	33	59.20.260	AMD	433	47
48.110.040	AMD	223	34	59.20.270	AMD	433	48
49.12.265	AMD	499	1	59.21.021	AMD	399	5
49.44	ADD	176	1	59.22.050	AMD	429	9
49.44.120	AMD	265	1	62A.3	ADD	277	3-5
49.66.090	AMD	433	44	63.29.010	AMD	285	1
50.01.010	AMD	133	2	63.29.020	AMD	367	1
50.13.015	AMD	274	319	63.29.020	AMD	502	3
50.13.030	AMD	274	320	63.29.033	REP	367	6
50.13.040	AMD	274	321	63.29.180	AMD	367	2
50.13.060	AMD	274	322	63.29.190	AMD	285	2
50.13.080	AMD	274	323	63.29.190	AMD	367	3
50.16.010	REMD	518	933	63.29.190	AMD	502	4
50.16.030	AMD	133	6	63.29.220	AMD	367	4
50.20.120	AMD	133	3	63.29.280	AMD	367	5
50.20.190	AMD	518	934	64	ADD	456	1-17
50.29	ADD	133	7	64.04	ADD	292	2
50.29.021	AMD	133	4	64.04.005	AMD	186	1
50.29.025	AMD	133	5	64.06	ADD	511	3
50.38.060	AMD	274	324	64.34	ADD	456	21

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
64.34.100	AMD	456	20	68.04.180	REP	365	161
64.34.410	AMD	456	19	68.04.190	AMD	365	39
64.34.415	AMD	456	18	68.04.200	REP	365	161
64.36.225	AMD	25	4	68.04.210	AMD	365	40
64.38	ADD	179	1	68.04.220	REP	365	161
65.04.045	AMD	134	1	68.04.230	AMD	365	41
65.04.050	AMD	292	3	68.04.240	AMD	365	45
65.04.080	AMD	134	2	68.05.010	AMD	365	46
66.04.010	AMD	151	1	68.05.030	AMD	365	47
66.08	ADD	231	1,2,4	68.05.040	AMD	365	48
66.08.026	AMD	151	2	68.05.050	AMD	365	49
66.08.050	AMD	151	3	68.05.080	AMD	365	50
66.08.060	AMD	231	3	68.05.090	AMD	365	51
66.08.235	AMD	151	4	68.05.100	AMD	365	52
66.16	ADD	231	5	68.05.105	AMD	365	53
66.16.010	AMD	518	935	68.05.115	AMD	365	54
66.16.030	REP	151	13	68.05.150	AMD	365	55
66.16.040	AMD	102	1	68.05.170	AMD	365	56
66.16.040	AMD	151	5	68.05.173	AMD	365	57
66.16.040	AMD	206	1	68.05.185	REP	365	161
66.16.041	AMD	151	6	68.05.195	AMD	365	58
66.16.080	AMD	151	7	68.05.210	AMD	365	59
66.16.080	REP	231	6	68.05.215	AMD	365	60
66.20.160	AMD	151	8	68.05.225	AMD	365	61
66.20.180	AMD	151	9	68.05.235	AMD	365	62
66.24.320	AMD	152	1	68.05.240	AMD	365	63
66.24.380	AMD	151	10	68.05.245	AMD	365	64
66.24.400	AMD	152	2	68.05.254	AMD	365	65
66.28.180	REMD	274	327	68.05.259	AMD	365	66
66.44.120	AMD	151	11	68.05.285	AMD	365	67
67.16	ADD	351	2	68.05.290	AMD	365	68
67.40.040	AMD	518	936	68.05.330	AMD	365	69
67.40.060	AMD	487	9	68.05.340	AMD	365	70
67.70.190	AMD	427	2	68.20.061	AMD	365	71
67.70.340	AMD	369	4	68.20.090	REP	365	161
68.04	ADD	359	1	68.20.110	AMD	365	72
68.04	ADD	365	42-44	68.20.130	REP	365	161
68.04.020	AMD	365	27	68.24	ADD	359	2
68.04.030	AMD	365	28	68.24.010	AMD	365	73
68.04.040	AMD	365	29	68.24.080	AMD	365	74
68.04.070	AMD	365	30	68.24.090	AMD	365	75
68.04.080	AMD	365	31	68.24.100	AMD	365	76
68.04.090	REP	365	161	68.24.110	AMD	365	77
68.04.100	AMD	365	32	68.24.120	AMD	365	78
68.04.110	AMD	365	33	68.24.130	AMD	365	79
68.04.120	AMD	365	34	68.24.140	AMD	365	80
68.04.130	AMD	365	35	68.24.150	AMD	365	81
68.04.160	AMD	365	36	68.24.160	AMD	365	82
68.04.165	AMD	365	37	68.24.170	AMD	365	83
68.04.170	AMD	365	38	68.24.175	REP	365	161

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
68.24.180	AMD	365	84	68.46.060	AMD	365	132
68.24.190	AMD	365	85	68.46.075	AMD	365	133
68.24.220	AMD	365	86	68.46.080	AMD	365	134
68.28.010	AMD	365	87	68.46.090	AMD	365	135
68.28.020	AMD	365	88	68.46.100	AMD	365	136
68.28.030	AMD	365	89	68.46.110	AMD	365	137
68.28.060	AMD	365	90	68.46.150	REP	365	161
68.32.010	AMD	365	91	68.50.110	AMD	365	138
68.32.020	AMD	365	92	68.50.130	AMD	365	139
68.32.030	AMD	365	93	68.50.135	REP	365	161
68.32.040	AMD	365	94	68.50.140	AMD	365	140
68.32.050	AMD	365	95	68.50.145	REP	365	161
68.32.060	AMD	365	96	68.50.150	REP	365	161
68.32.070	AMD	365	97	68.50.160	AMD	365	141
68.32.080	AMD	365	98	68.50.165	REP	365	161
68.32.090	AMD	365	99	68.50.170	AMD	365	142
68.32.100	AMD	365	100	68.50.180	REP	365	161
68.32.110	AMD	365	101	68.50.185	AMD	365	143
68.32.120	REP	365	161	68.50.190	REP	365	161
68.32.130	AMD	365	102	68.50.200	AMD	365	144
68.32.140	AMD	365	103	68.50.220	AMD	365	145
68.32.150	AMD	365	104	68.50.230	AMD	365	146
68.32.160	AMD	365	105	68.50.240	AMD	365	147
68.36.010	AMD	365	106	68.50.250	REP	365	161
68.36.020	AMD	365	107	68.50.270	AMD	365	148
68.36.030	AMD	365	108	68.56.040	AMD	365	149
68.36.040	AMD	365	109	68.60.030	AMD	365	150
68.36.050	AMD	365	110	69.06	ADD	505	7
68.36.090	REP	365	161	69.41.044	AMD	274	328
68.40.010	AMD	365	111	69.41.280	AMD	274	329
68.40.025	AMD	365	112	69.43	ADD	388	2,3,8
68.40.060	AMD	365	113	69.43.110	AMD	388	4
68.44.020	AMD	365	114	69.45.090	AMD	274	330
68.44.070	AMD	365	115	69.50.401	AMD	218	1
68.44.080	AMD	365	116	69.50.406	AMD	218	2
68.44.090	AMD	365	117	69.50.440	AMD	218	3
68.44.100	AMD	365	118	69.50.520	AMD	514	202
68.44.110	AMD	365	119	69.50.520	AMD	514	1107
68.44.120	AMD	365	120	69.50.520	AMD	518	937
68.44.130	AMD	365	121	70	ADD	1	1-13
68.44.140	AMD	365	122	70	ADD	295	2,3
68.44.150	AMD	365	123	70	ADD	305	1-5
68.44.160	AMD	365	124	70	ADD	306	1-8
68.46	ADD	365	131	70	ADD	504	202-216 403-425
68.46.010	AMD	365	125				
68.46.020	AMD	365	126	70.02.010	AMD	468	1
68.46.030	AMD	365	127	70.02.020	AMD	468	2
68.46.040	AMD	365	128	70.02.030	AMD	468	3
68.46.050	AMD	365	129	70.02.050	AMD	468	4
68.46.055	AMD	365	130	70.02.090	AMD	274	331

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
70.14	ADD	129	1,2	70.95.555	AMD	354	6
70.38.095	AMD	274	332	70.95.560	AMD	354	7
70.41	ADD	118	1	70.95C.220	AMD	274	338
70.41.120	AMD	447	1	70.96A	ADD	504	220
70.41.122	AMD	447	2				301,302
70.41.150	AMD	274	333				304,305
70.41.200	AMD	33	7				508
70.41.200	AMD	291	3	70.96A.090	AMD	70	2
70.41.210	AMD	470	1	70.102.020	AMD	274	339
70.44.062	AMD	169	1	70.105D	ADD	211	1
70.44.315	AMD	274	334	70.105D.020	AMD	191	1
70.45.030	AMD	274	335	70.105D.050	AMD	211	2
70.47	ADD	6	6,11	70.105D.060	AMD	211	3
70.47.020	AMD	188	2	70.105D.070	AMD	488	926
70.47.150	AMD	274	336	70.120.100	AMD	274	340
70.58.005	AMD	365	151	70.120.170	AMD	295	6
70.58.082	AMD	365	152	70.120.200	REP	295	11
70.58.160	AMD	365	153	70.123	ADD	374	3
70.58.170	AMD	365	154	70.123.030	AMD	374	4
70.58.180	AMD	365	155	70.128	ADD	505	6
70.58.190	AMD	365	156	70.146.030	AMD	514	1108
70.58.230	AMD	365	157	70.146.030	AMD	518	940
70.58.240	AMD	365	158	70.146.080	AMD	518	941
70.58.260	AMD	365	159	70.148.020	AMD	518	942
70.58.390	AMD	365	160	70.148.060	AMD	274	341
70.77.455	AMD	274	337	70.148.120	AMD	428	1
70.79	ADD	22	4	70.148.130	AMD	428	2
70.79.080	AMD	22	1	70.149.090	AMD	274	342
70.79.090	AMD	22	2	70.150.040	AMD	469	1
70.79.160	AMD	22	3	70.150.070	AMD	469	2
70.79.170	AMD	22	7	70.155.090	AMD	206	2
70.79.190	AMD	22	5	70.168.070	AMD	274	343
70.79.320	AMD	22	6	70.168.090	AMD	274	344
70.79.360	REP	22	8	70.190.060	AMD	274	345
70.83.040	AMD	518	938	71.05	ADD	504	103,108
70.87.205	AMD	433	49				115
70.93.180	AMD	518	939	71.05.020	AMD	504	104
70.94.017	AMD	295	5	71.05.035	RECD	504	801
70.94.030	AMD	197	2	71.05.060	REP	504	701
70.94.151	AMD	138	1	71.05.070	REP	504	701
70.94.473	AMD	197	1	71.05.090	REP	504	701
70.94.640	AMD	511	4	71.05.155	REP	504	702
70.95	ADD	354	3,4,8	71.05.157	AMD	504	507
70.95	ADD	394	4-8	71.05.200	REP	504	701
70.95	ADD	510	6	71.05.235	AMD	504	708
70.95.020	REMD	394	2	71.05.250	REP	504	701
70.95.305	AMD	394	3	71.05.310	AMD	504	709
70.95.315	AMD	510	7	71.05.360	AMD	504	107
70.95.510	AMD	354	2	71.05.370	RECD	504	108
70.95.530	AMD	354	5	71.05.390	REMD	274	346

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RCW		CH.	SEC.	RCW		CH.	SEC.
71.05.390	REMD	453	5	71.34.044	RECD	371	6
71.05.390	REMD	504	109	71.34.046	RECD	371	6
71.05.395	REP	504	702	71.34.050	RECD	371	6
71.05.400	REP	504	702	71.34.052	AMD	371	4
71.05.410	REP	504	702	71.34.052	RECD	371	6
71.05.420	AMD	504	110	71.34.054	RECD	371	6
71.05.425	AMD	504	710	71.34.056	RECD	371	6
71.05.430	REP	504	702	71.34.060	RECD	371	6
71.05.445	AMD	504	711	71.34.070	RECD	371	6
71.05.450	REP	504	701	71.34.080	RECD	371	6
71.05.460	REP	504	701	71.34.090	RECD	371	6
71.05.470	REP	504	701	71.34.100	RECD	371	6
71.05.480	REP	504	701	71.34.110	RECD	371	6
71.05.490	REP	504	701	71.34.120	RECD	371	6
71.05.550	AMD	504	218	71.34.130	RECD	371	6
71.05.610	REP	504	703	71.34.140	RECD	371	6
71.05.620	AMD	504	111	71.34.150	RECD	371	6
71.05.630	AMD	504	112	71.34.160	RECD	371	6
71.05.640	AMD	504	113	71.34.162	RECD	371	6
71.05.640	AMD	504	712	71.34.164	RECD	371	6
71.05.650	REP	504	704	71.34.170	RECD	371	6
71.05.660	AMD	504	114	71.34.180	RECD	371	6
71.05.670	REP	504	704	71.34.190	RECD	371	6
71.05.680	AMD	504	713	71.34.200	RECD	371	6
71.05.690	AMD	504	714	71.34.200	AMD	453	6
71.09.090	AMD	344	2	71.34.210	RECD	371	6
71.24	ADD	503	4,6,13	71.34.220	RECD	371	6
71.24	ADD	504	803,805	71.34.225	RECD	371	6
71.24.015	REMD	503	1	71.34.230	RECD	371	6
71.24.025	AMD	503	2	71.34.240	RECD	371	6
71.24.025	AMD	504	105	71.34.250	RECD	371	6
71.24.030	AMD	503	3	71.34.260	RECD	371	6
71.24.035	REMD	503	7	71.34.270	AMD	371	5
71.24.035	REMD	504	715	71.34.270	RECD	371	6
71.24.045	AMD	503	8	71.34.280	RECD	371	6
71.24.100	AMD	503	9	71.34.290	RECD	371	6
71.24.240	AMD	503	10	71.34.800	RECD	371	6
71.24.300	AMD	503	11	71.34.805	RECD	371	6
71.34	ADD	371	3,6	71.34.810	RECD	371	6
71.34.010	RECD	371	6	71.34.900	RECD	371	6
71.34.015	RECD	371	6	71.34.901	RECD	371	6
71.34.020	RECD	371	6	71A.12	ADD	504	801
71.34.025	RECD	371	6	71A.20	ADD	353	1
71.34.027	RECD	371	6	72.01.140	AMD	353	5
71.34.030	RECD	371	6	72.01.142	REP	353	6
71.34.032	RECD	371	6	72.02.045	AMD	382	1
71.34.035	RECD	371	6	72.09.100	AMD	346	1
71.34.040	RECD	371	6	72.09.116	AMD	274	347
71.34.042	AMD	371	2	72.09.225	AMD	274	348
71.34.042	RECD	371	6	72.09.340	AMD	436	3

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
72.11.040	AMD	518	943	76.48.096	AMD	401	8
72.23	ADD	187	1	76.48.098	AMD	401	9
73.04.030	AMD	274	349	76.48.100	AMD	401	10
73.04.110	REMD	216	6	76.48.110	AMD	401	11
73.04.115	AMD	216	5	76.48.140	AMD	401	12
73.04.150	AMD	141	1	77	ADD	146	1002
73.08	ADD	250	2,4,7	77.04.150	AMD	149	1
73.08.010	AMD	250	3	77.08.010	AMD	104	1
73.08.030	REP	250	8	77.12	ADD	464	3
73.08.040	REP	250	8	77.12.170	AMD	42	4
73.08.050	REP	250	8	77.12.170	AMD	224	4
73.08.070	AMD	250	5	77.12.170	AMD	225	4
73.08.080	AMD	250	6	77.12.170	AMD	418	3
74.08.025	AMD	174	2	77.12.203	AMD	303	14
74.09	ADD	279	1	77.12.750	REP	136	18
74.09	ADD	446	3	77.12.865	AMD	146	1004
74.09	ADD	503	12	77.15	ADD	406	1
74.09.415	AMD	279	2	77.15.020	AMD	321	2
74.09.5225	AMD	383	1	77.15.070	AMD	406	2
74.09A.020	AMD	274	350	77.15.245	AMD	107	1
74.13	ADD	439	1	77.15.280	AMD	418	2
74.13	ADD	507	1-3	77.15.370	AMD	406	3
74.13.090	REP	490	13	77.15.410	AMD	406	4
74.13.0901	REP	490	13	77.15.420	AMD	406	5
74.13.0903	AMD	490	10	77.15.450	AMD	406	6
74.13.500	AMD	274	351	77.15.700	AMD	321	1
74.13.515	AMD	274	352	77.18.060	AMD	87	1
74.13.525	AMD	274	353	77.18.070	REP	87	2
74.13.570	AMD	93	2	77.32.070	AMD	418	1
74.14C.100	AMD	282	48	77.32.430	AMD	192	2
74.15	ADD	473	2-5	77.32.450	AMD	140	1
			7	77.32.470	AMD	192	1
74.15	ADD	490	7	77.32.555	AMD	416	1
74.15.030	REMD	490	11	77.55	ADD	146	101,201
74.15.130	AMD	473	6				301,303
74.34.063	AMD	274	354				507,508
74.39A.200	AMD	274	355				605
74.42	ADD	33	3				1001
74.46.431	AMD	518	944	77.55.010	AMD	146	406
74.46.820	AMD	274	356	77.55.010	RECD	146	1001
76.09.050	AMD	146	1003	77.55.020	RECD	146	1001
76.09.060	AMD	274	357	77.55.030	RECD	146	1001
76.48	ADD	401	13	77.55.040	AMD	146	901
76.48.020	AMD	401	1	77.55.040	RECD	146	1002
76.48.050	AMD	401	2	77.55.050	AMD	146	902
76.48.060	AMD	401	3	77.55.050	RECD	146	1002
76.48.070	AMD	401	4	77.55.060	AMD	146	903
76.48.075	AMD	401	5	77.55.060	RECD	146	1002
76.48.085	AMD	401	6	77.55.070	RECD	146	1002
76.48.094	AMD	401	7	77.55.080	RECD	146	1002

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
77.55.090	AMD	146	603	77.65.100	AMD	82	1
77.55.090	RECD	146	1001	77.65.130	AMD	82	2
77.55.100	REP	146	1006	77.65.170	AMD	20	2
77.55.110	REP	146	1006	77.65.190	AMD	20	3
77.55.120	AMD	146	604	77.65.210	AMD	20	4
77.55.120	RECD	146	1001	77.65.250	AMD	146	1005
77.55.130	AMD	146	405	77.65.390	AMD	20	5
77.55.130	RECD	146	1001	77.70	ADD	395	3
77.55.140	AMD	146	701	77.70.150	AMD	110	1
77.55.140	RECD	146	1001	77.70.190	AMD	110	2
77.55.150	AMD	146	401	77.70.430	AMD	395	1
77.55.150	RECD	146	1001	77.70.440	AMD	395	2
77.55.160	AMD	146	506	77.85.005	AMD	309	1
77.55.160	RECD	146	1001	77.85.010	AMD	309	2
77.55.170	AMD	146	801	77.85.020	AMD	309	3
77.55.170	RECD	146	1001	77.85.030	AMD	309	4
77.55.180	AMD	146	802	77.85.040	AMD	309	5
77.55.180	RECD	146	1001	77.85.050	AMD	309	6
77.55.190	REP	146	1006	77.85.070	REP	309	10
77.55.200	AMD	146	501	77.85.090	AMD	309	7
77.55.200	RECD	146	1001	77.85.130	REMD	257	3
77.55.210	AMD	146	504	77.85.130	REMD	271	1
77.55.210	RECD	146	1001	77.85.130	REMD	309	8
77.55.220	AMD	146	502	77.85.150	AMD	309	9
77.55.220	RECD	146	1001	77.85.200	AMD	308	1
77.55.230	AMD	146	602	77.85.210	REP	309	10
77.55.230	RECD	146	1001	79	ADD	155	101,102
77.55.240	RECD	146	1002				144,151
77.55.250	REP	146	1006				216
77.55.260	RECD	146	1001				801-809
77.55.270	AMD	146	402				1003
77.55.270	RECD	146	1001				1005-
77.55.280	AMD	146	403				1012
77.55.280	RECD	146	1001	79.24	ADD	330	1-4
77.55.290	AMD	146	505	79.24.087	AMD	330	7
77.55.290	RECD	146	1001	79.64.040	AMD	518	945
77.55.300	AMD	146	404	79.70	ADD	303	11
77.55.300	RECD	146	1001	79.71	ADD	303	12
77.55.310	RECD	146	1002	79.90.010	REP	155	1013
77.55.320	AMD	146	904	79.90.015	REP	155	1013
77.55.320	RECD	146	1002	79.90.020	REP	155	1013
77.55.330	AMD	146	302	79.90.025	REP	155	1013
77.55.330	RECD	146	1001	79.90.030	REP	155	1013
77.55.340	AMD	146	503	79.90.035	REP	155	1013
77.55.340	RECD	146	1001	79.90.040	REP	155	1013
77.55.350	AMD	146	601	79.90.045	REP	155	1013
77.55.350	RECD	146	1001	79.90.050	REP	155	1013
77.55.360	RECD	146	1001	79.90.055	REP	155	1013
77.55.370	REP	146	1006	79.90.060	REP	155	1013
77.65.010	AMD	20	1	79.90.065	REP	155	1013

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RCW	CH.	SEC.	RCW	CH.	SEC.		
79.90.070	REP	155	1013	79.90.290	RECD	155	1011
79.90.080	AMD	155	103	79.90.300	AMD	155	127
79.90.080	RECD	155	1004	79.90.300	RECD	155	1011
79.90.090	AMD	155	104	79.90.310	AMD	155	128
79.90.090	RECD	155	1003	79.90.310	RECD	155	1011
79.90.100	AMD	155	105	79.90.320	AMD	155	129
79.90.100	RECD	155	1003	79.90.320	RECD	155	1011
79.90.105	AMD	155	106	79.90.325	AMD	155	130
79.90.105	RECD	155	1003	79.90.325	RECD	155	1011
79.90.110	AMD	155	107	79.90.330	AMD	155	131
79.90.110	RECD	155	1008	79.90.330	RECD	155	1011
79.90.120	AMD	155	108	79.90.340	AMD	155	132
79.90.120	RECD	155	1003	79.90.340	RECD	155	1011
79.90.130	AMD	155	109	79.90.350	AMD	155	133
79.90.130	RECD	155	1011	79.90.350	RECD	155	1008
79.90.150	AMD	155	110	79.90.360	AMD	155	134
79.90.150	RECD	155	1011	79.90.360	RECD	155	1008
79.90.160	AMD	155	111	79.90.370	AMD	155	135
79.90.160	RECD	155	1011	79.90.370	RECD	155	1003
79.90.170	AMD	155	112	79.90.380	REP	155	1013
79.90.170	RECD	155	1008	79.90.390	AMD	155	136
79.90.180	AMD	155	113	79.90.390	RECD	155	1006
79.90.180	RECD	155	1008	79.90.400	AMD	155	137
79.90.190	AMD	155	114	79.90.400	RECD	155	1003
79.90.190	RECD	155	1008	79.90.410	AMD	155	138
79.90.200	AMD	155	115	79.90.410	RECD	155	1003
79.90.200	RECD	155	1008	79.90.450	AMD	155	139
79.90.210	AMD	113	2	79.90.450	RECD	155	1003
79.90.210	AMD	155	116	79.90.455	AMD	155	140
79.90.210	RECD	155	1008	79.90.455	RECD	155	1003
79.90.215	AMD	155	117	79.90.456	AMD	155	141
79.90.215	RECD	155	1008	79.90.456	RECD	155	1003
79.90.220	AMD	155	118	79.90.457	AMD	155	142
79.90.220	RECD	155	1008	79.90.457	RECD	155	1003
79.90.230	AMD	155	119	79.90.458	RECD	155	1009
79.90.230	RECD	155	1008	79.90.460	AMD	155	143
79.90.240	AMD	155	120	79.90.460	RECD	155	1003
79.90.240	RECD	155	1008	79.90.465	REP	155	1013
79.90.245	AMD	155	121	79.90.470	AMD	155	145
79.90.245	RECD	155	1003	79.90.470	RECD	155	1003
79.90.245	AMD	518	946	79.90.475	AMD	155	146
79.90.250	AMD	155	122	79.90.475	RECD	155	1003
79.90.250	RECD	155	1008	79.90.480	AMD	155	147
79.90.260	AMD	155	123	79.90.480	RECD	155	1003
79.90.260	RECD	155	1008	79.90.485	AMD	155	148
79.90.270	AMD	155	124	79.90.485	RECD	155	1003
79.90.270	RECD	155	1008	79.90.490	AMD	155	149
79.90.280	AMD	155	125	79.90.490	RECD	155	1003
79.90.280	RECD	155	1008	79.90.495	RECD	155	1010
79.90.290	AMD	155	126	79.90.500	AMD	155	150

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
79.90.500	RECD	155	1003	79.91.100	AMD	58	1
79.90.505	AMD	155	152	79.91.100	RECD	155	1005
79.90.505	RECD	155	1003	79.91.110	AMD	155	211
79.90.510	RECD	155	1003	79.91.110	RECD	155	1005
79.90.515	AMD	155	153	79.91.120	AMD	155	212
79.90.515	RECD	155	1003	79.91.120	RECD	155	1005
79.90.520	AMD	155	154	79.91.130	AMD	155	213
79.90.520	RECD	155	1003	79.91.130	RECD	155	1005
79.90.525	RECD	155	1003	79.91.140	AMD	155	214
79.90.530	RECD	155	1003	79.91.140	RECD	155	1005
79.90.535	AMD	155	155	79.91.150	AMD	155	215
79.90.535	RECD	155	1003	79.91.150	RECD	155	1005
79.90.540	AMD	155	156	79.91.160	AMD	155	217
79.90.540	RECD	155	1003	79.91.160	RECD	155	1005
79.90.545	AMD	155	157	79.91.170	AMD	155	218
79.90.545	RECD	155	1003	79.91.170	RECD	155	1005
79.90.550	AMD	155	158	79.91.180	AMD	155	219
79.90.550	RECD	155	1003	79.91.180	RECD	155	1005
79.90.555	AMD	155	159	79.91.190	AMD	155	220
79.90.555	RECD	155	1003	79.91.190	RECD	155	1005
79.90.560	AMD	155	160	79.91.200	AMD	155	221
79.90.560	RECD	155	1003	79.91.200	RECD	155	1005
79.90.565	AMD	155	161	79.91.210	AMD	155	222
79.90.565	RECD	155	1003	79.91.210	RECD	155	1005
79.90.570	RECD	155	1010	79.91.900	RECD	155	1005
79.90.575	AMD	155	162	79.92.010	AMD	155	301
79.90.575	RECD	155	1005	79.92.010	RECD	155	1006
79.90.580	AMD	155	163	79.92.020	AMD	155	302
79.90.580	RECD	155	1003	79.92.020	RECD	155	1006
79.90.900	RECD	155	1003	79.92.030	AMD	155	303
79.90.901	RECD	155	1003	79.92.030	RECD	155	1006
79.90.902	RECD	155	1003	79.92.035	AMD	155	304
79.91.010	AMD	155	201	79.92.035	RECD	155	1006
79.91.010	RECD	155	1005	79.92.060	AMD	155	305
79.91.020	AMD	155	202	79.92.060	RECD	155	1006
79.91.020	RECD	155	1005	79.92.070	AMD	155	306
79.91.030	AMD	155	203	79.92.070	RECD	155	1006
79.91.030	RECD	155	1005	79.92.080	AMD	155	307
79.91.040	AMD	155	204	79.92.080	RECD	155	1006
79.91.040	RECD	155	1005	79.92.090	AMD	155	308
79.91.050	AMD	155	205	79.92.090	RECD	155	1006
79.91.050	RECD	155	1005	79.92.100	AMD	155	309
79.91.060	AMD	155	206	79.92.100	RECD	155	1006
79.91.060	RECD	155	1005	79.92.110	AMD	155	310
79.91.070	AMD	155	207	79.92.110	RECD	155	1006
79.91.070	RECD	155	1005	79.92.900	RECD	155	1006
79.91.080	AMD	155	208	79.93.010	AMD	155	401
79.91.080	RECD	155	1005	79.93.010	RECD	155	1007
79.91.090	AMD	155	209	79.93.020	AMD	155	402
79.91.090	RECD	155	1005	79.93.020	RECD	155	1007

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
79.93.030	AMD	155	403	79.94.210	RECD	155	1008
79.93.030	RECD	155	1007	79.94.220	AMD	155	521
79.93.040	AMD	155	404	79.94.220	RECD	155	1008
79.93.040	RECD	155	1007	79.94.230	AMD	155	522
79.93.050	AMD	155	405	79.94.230	RECD	155	1008
79.93.050	RECD	155	1007	79.94.240	AMD	155	523
79.93.060	AMD	155	406	79.94.240	RECD	155	1008
79.93.060	RECD	155	1007	79.94.250	AMD	155	524
79.93.070	REP	155	1013	79.94.250	RECD	155	1008
79.93.900	RECD	155	1007	79.94.260	AMD	155	525
79.94.010	REP	155	1013	79.94.260	RECD	155	1008
79.94.020	AMD	155	501	79.94.270	AMD	155	526
79.94.020	RECD	155	1008	79.94.270	RECD	155	1008
79.94.030	AMD	155	502	79.94.280	AMD	155	527
79.94.030	RECD	155	1008	79.94.280	RECD	155	1008
79.94.040	AMD	155	503	79.94.290	AMD	155	528
79.94.040	RECD	155	1008	79.94.290	RECD	155	1008
79.94.050	AMD	155	504	79.94.300	AMD	155	529
79.94.050	RECD	155	1008	79.94.300	RECD	155	1008
79.94.060	AMD	155	505	79.94.310	AMD	155	530
79.94.060	RECD	155	1008	79.94.310	RECD	155	1008
79.94.070	AMD	155	506	79.94.320	AMD	155	531
79.94.070	RECD	155	1008	79.94.320	RECD	155	1008
79.94.080	AMD	155	507	79.94.330	AMD	155	532
79.94.080	RECD	155	1008	79.94.330	RECD	155	1008
79.94.090	AMD	155	508	79.94.390	AMD	155	533
79.94.090	RECD	155	1008	79.94.390	RECD	155	1008
79.94.100	AMD	155	509	79.94.400	AMD	155	534
79.94.100	RECD	155	1008	79.94.400	RECD	155	1008
79.94.110	AMD	155	510	79.94.410	AMD	155	535
79.94.110	RECD	155	1008	79.94.410	RECD	155	1008
79.94.120	AMD	155	511	79.94.420	AMD	155	536
79.94.120	RECD	155	1008	79.94.420	RECD	155	1008
79.94.130	AMD	155	512	79.94.430	AMD	155	537
79.94.130	RECD	155	1008	79.94.430	RECD	155	1008
79.94.140	AMD	155	513	79.94.440	AMD	155	538
79.94.140	RECD	155	1008	79.94.440	RECD	155	1008
79.94.150	AMD	155	514	79.94.450	RECD	155	1008
79.94.150	RECD	155	1008	79.94.900	RECD	155	1008
79.94.160	AMD	155	515	79.95.010	AMD	155	601
79.94.160	RECD	155	1008	79.95.010	RECD	155	1009
79.94.170	AMD	155	516	79.95.020	AMD	155	602
79.94.170	RECD	155	1003	79.95.020	RECD	155	1009
79.94.175	AMD	155	517	79.95.030	AMD	155	603
79.94.175	RECD	155	1008	79.95.030	RECD	155	1009
79.94.181	AMD	155	518	79.95.040	AMD	155	604
79.94.181	RECD	155	1008	79.95.040	RECD	155	1009
79.94.185	AMD	155	519	79.95.050	AMD	155	605
79.94.185	RECD	155	1008	79.95.050	RECD	155	1009
79.94.210	REMD	155	520	79.95.060	AMD	155	606

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
79.95.060	RECD	155	1009	79.97.020	AMD	155	902
79.95.900	RECD	155	1009	79.97.020	RECD	155	1012
79.96	ADD	113	1	79.97.030	AMD	155	903
79.96	ADD	307	1-3	79.97.030	RECD	155	1012
79.96.010	AMD	155	701	79.97.040	RECD	155	1012
79.96.010	RECD	155	1010	79.97.050	AMD	155	904
79.96.020	AMD	155	702	79.97.050	RECD	155	1012
79.96.020	RECD	155	1010	79.97.060	AMD	155	905
79.96.030	AMD	155	703	79.97.060	RECD	155	1012
79.96.030	RECD	155	1010	79.97.900	RECD	155	1012
79.96.040	AMD	155	704	79A.05	ADD	44	4
79.96.040	RECD	155	1010	79A.05.030	REMD	360	5
79.96.050	AMD	155	705	79A.05.030	REMD	373	1
79.96.050	RECD	155	1010	79A.05.125	AMD	319	134
79.96.060	AMD	155	706	79A.05.350	REP	136	18
79.96.060	RECD	155	1010	79A.15	ADD	303	5-7
79.96.070	AMD	155	707	79A.15.010	AMD	303	1
79.96.070	RECD	155	1010	79A.15.030	AMD	303	2
79.96.080	AMD	113	3	79A.15.040	AMD	303	3
79.96.080	AMD	155	708	79A.15.050	AMD	303	4
79.96.080	RECD	155	1010	79A.15.060	AMD	303	8
79.96.085	AMD	155	709	79A.15.070	AMD	303	9
79.96.085	RECD	155	1010	79A.15.080	AMD	303	10
79.96.090	AMD	155	710	79A.60	ADD	392	3-5
79.96.090	RECD	155	1010	79A.60.010	AMD	392	2
79.96.100	AMD	155	711	80.04.095	AMD	274	358
79.96.100	RECD	155	1010	81.66.060	AMD	121	1
79.96.110	AMD	155	712	81.68	ADD	121	8
79.96.110	RECD	155	1010	81.68.030	AMD	121	2
79.96.120	AMD	155	713	81.68.040	AMD	121	3
79.96.120	RECD	155	1010	81.68.045	RECD	121	4
79.96.130	AMD	155	714	81.70	ADD	121	4
79.96.130	RECD	155	1010	81.77.030	AMD	121	5
79.96.140	RECD	155	1010	81.77.040	AMD	121	6
79.96.200	RECD	155	1010	81.80.395	AMD	319	135
79.96.210	AMD	155	715	81.84.020	AMD	121	7
79.96.210	RECD	155	1010	81.84.020	AMD	313	609
79.96.220	REMD	155	716	81.104.110	AMD	319	136
79.96.220	RECD	155	1010	81.104.115	AMD	274	359
79.96.230	AMD	155	717	81.112	ADD	19	3
79.96.230	RECD	155	1010	81.112.180	AMD	274	360
79.96.901	RECD	155	1010	82	ADD	513	4-10
79.96.902	RECD	155	1010	82	ADD	514	902-907
79.96.903	RECD	155	1010	82.02.020	AMD	502	5
79.96.904	RECD	155	1010	82.03.130	AMD	253	7
79.96.905	RECD	155	1010	82.04	ADD	301	2
79.96.906	AMD	155	718	82.04	ADD	369	5,6
79.96.906	RECD	155	1010	82.04	ADD	424	11
79.97.010	AMD	155	901	82.04	ADD	476	1
79.97.010	RECD	155	1012	82.04	ADD	513	1

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RCW		CH.	SEC.	RCW		CH.	SEC.
82.04	ADD	514	114,301	82.14.310	AMD	282	49
			401	82.16	ADD	300	2-5
82.04.050	REMD	514	101	82.19.050	AMD	289	1
82.04.050	REMD	515	2	82.24	ADD	11	5
82.04.060	AMD	514	102	82.24	ADD	514	1102
82.04.190	REMD	514	103	82.24.550	AMD	180	19
82.04.260	REMD	443	4	82.26	ADD	180	6
82.04.260	REMD	513	2				10-18
82.04.290	AMD	369	8				20-22
82.04.2908	AMD	514	302	82.26.010	AMD	180	2
82.04.350	AMD	369	7	82.26.020	AMD	180	3
82.04.4311	AMD	86	1	82.26.025	REP	180	23
82.04.4329	REP	443	7	82.26.028	REP	180	23
82.04.4336	AMD	150	1	82.26.030	AMD	180	1
82.04.440	REMD	301	3	82.26.050	REP	180	23
82.04.4452	AMD	514	1003	82.26.060	AMD	180	4
82.04.4459	REP	420	4	82.26.070	AMD	180	7
82.04.4463	AMD	514	501	82.26.080	AMD	180	5
82.08	ADD	296	1,2	82.26.100	AMD	180	8
82.08	ADD	420	2	82.26.110	AMD	180	9
82.08	ADD	514	115,402	82.27.020	AMD	110	3
82.08.010	AMD	514	110	82.27.070	AMD	110	4
82.08.0255	AMD	443	5	82.29A.130	AMD	170	1
82.08.0276	REP	443	7	82.29A.130	AMD	514	601
82.08.0295	REP	443	7	82.32	ADD	301	4
82.08.0316	AMD	11	3	82.32	ADD	513	3
82.08.150	AMD	514	201	82.32	ADD	514	701
82.08.820	AMD	513	11				1001
82.08.840	REP	420	4				1002
82.12	ADD	296	3,4	82.32.330	REMD	274	361
82.12	ADD	420	3	82.32.330	REMD	326	1
82.12	ADD	514	116,403	82.32.410	AMD	274	362
82.12.010	REMD	514	104	82.33.020	AMD	319	137
82.12.020	REMD	514	105	82.35.010	REP	443	7
82.12.0251	AMD	514	106	82.35.020	REP	443	7
82.12.02545	REP	443	7	82.35.040	REP	443	7
82.12.0255	AMD	514	107	82.35.050	REP	443	7
82.12.0256	AMD	443	6	82.35.070	REP	443	7
82.12.0295	REP	443	7	82.35.080	REP	443	7
82.12.0316	AMD	11	4	82.35.900	REP	443	7
82.12.035	AMD	514	108	82.36.025	AMD	314	101
82.12.040	REMD	514	109	82.36.035	AMD	260	1
82.12.820	AMD	513	12	82.36.405	REP	260	3
82.12.840	REP	420	4	82.38.030	AMD	314	102
82.14	ADD	336	15	82.38.035	AMD	314	107
82.14	ADD	504	804	82.38.045	AMD	314	108
82.14.020	AMD	514	111	82.38.160	AMD	260	2
82.14.020	AMD	514	112	82.38.289	REP	260	3
82.14.050	REMD	336	20	82.42.020	AMD	341	3
82.14.060	AMD	336	21	82.42.030	AMD	341	4

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
82.45	ADD	326	3	83.110.090	REP	332	15
82.45	ADD	480	3,4	83.110.900	REP	332	15
82.45.060	AMD	450	1	83.110.901	REP	332	15
82.45.180	AMD	480	2	83.110.902	REP	332	15
82.45.180	AMD	486	2	83.110.903	REP	332	15
82.61.010	REP	443	7	83.110.904	REP	332	15
82.61.030	REP	443	7	84	ADD	253	1-6
82.61.050	REP	443	7	84.08.210	AMD	274	363
82.61.060	REP	443	7	84.14.030	AMD	80	1
82.61.080	REP	443	7	84.33.140	AMD	303	13
82.61.090	REP	443	7	84.34.020	AMD	57	1
82.61.900	REP	443	7	84.34.055	AMD	310	1
82.61.901	REP	443	7	84.34.230	AMD	449	1
82.70	ADD	297	2	84.34.240	AMD	449	2
82.70.010	AMD	297	1	84.36	ADD	148	4
82.70.020	AMD	297	3	84.36.379	AMD	248	1
82.70.030	AMD	297	4	84.36.381	AMD	248	2
82.70.040	AMD	297	5	84.36.580	REP	420	4
82.70.060	AMD	319	138	84.40.020	AMD	274	364
82.71.020	AMD	514	801	84.52	ADD	122	1
82.80	ADD	336	16	84.52.010	REMD	122	2
82.80.030	AMD	336	24	84.52.020	AMD	52	1
82.80.070	AMD	319	139	84.52.043	AMD	122	3
83	ADD	332	1-14	84.52.068	AMD	514	1104
			16	84.56	ADD	502	6
83.100	ADD	514	1101	84.56.020	AMD	502	7
83.100	ADD	516	4,13,14	84.56.310	AMD	502	8
			16	84.56.450	REP	443	7
83.100.010	AMD	516	19	84.69.020	AMD	502	9
83.100.020	AMD	516	2	84.70.010	AMD	56	1
83.100.030	REP	516	17	85.38	ADD	181	1
83.100.040	AMD	516	3	86.15	ADD	127	2
83.100.045	REP	516	17	86.15.060	AMD	127	1
83.100.050	AMD	516	5	86.26.007	AMD	518	947
83.100.060	AMD	516	6	88.02.050	AMD	464	2
83.100.070	AMD	516	7	88.16.035	AMD	26	1
83.100.090	AMD	516	8	88.16.090	AMD	26	2
83.100.110	AMD	516	9	88.16.115	AMD	123	1
83.100.130	AMD	516	10	88.16.118	AMD	26	3
83.100.140	AMD	516	11	88.16.118	AMD	123	2
83.100.150	AMD	516	12	88.46.060	AMD	78	2
83.100.210	AMD	516	15	89.08.400	AMD	466	1
83.110.010	REP	332	15	89.08.410	AMD	31	1
83.110.020	REP	332	15	89.08.550	AMD	30	1
83.110.030	REP	332	15	90	ADD	60	1-3
83.110.040	REP	332	15	90	ADD	478	1-4
83.110.050	REP	332	15	90	ADD	479	2,3
83.110.060	REP	332	15	90.03.470	AMD	412	2
83.110.070	REP	332	15	90.03.525	REMD	319	140
83.110.080	REP	332	15	90.14	ADD	412	3

RCW SECTIONS AFFECTED BY 2005 STATUTES

RCW		CH.	SEC.	RCW		CH.	SEC.
90.14.068	AMD	274	365	90.56.060	AMD	304	4
90.46.030	AMD	59	1	90.56.210	AMD	78	1
90.46.040	AMD	59	2	90.58.185	AMD	34	1
90.48.285	AMD	469	4	90.64	ADD	510	1,4
90.56	ADD	304	2,3	90.71.090	REP	136	18
90.56.005	AMD	304	1	90.80.135	AMD	274	366

UNCODIFIED SESSION LAW SECTIONS AFFECTED BY 2005 STATUTES

LAWS 1983			LAWS 2005		LAWS 2004			LAWS 2005	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
199	2	AMD	282	21	153	502	AMD	514	113
LAWS 1991			LAWS 2005		211	2	AMD	234	1
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	229	101	AMD	313	700
199	229	REP	295	12	229	207	AMD	313	702
LAWS 1999			LAWS 2005		229	209	AMD	313	703
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	229	212	AMD	313	704
295	4	REP	160	5	229	213	AMD	313	705
LAWS 2000			LAWS 2005		229	215	AMD	313	706
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	229	218	AMD	313	708
143	3	REP	352	2	229	219	AMD	313	709
LAWS 2003			LAWS 2005		229	220	AMD	313	710
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	229	222	AMD	313	711
264	9	AMD	295	10	229	223	AMD	313	712
323	2	REP	352	2	229	224	AMD	313	713
323	3	REP	352	2	229	225	AMD	313	714
323	4	REP	352	2	229	401	AMD	313	801
360	201	AMD	313	701	229	402	AMD	313	802
360	218	AMD	313	707	229	404	AMD	313	803
LAWS 2003 1ST SP.S.			LAWS 2005		229	405	AMD	313	804
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	276	106	AMD	518	1001
16	6	AMD	514	802	276	107	AMD	518	1002
25		ADD	10	1	276	108	AMD	518	1003
25		ADD	10	2	276	110	AMD	518	1004
25		ADD	518	712	276	111	AMD	518	1005
25		ADD	518	1416	276	115	AMD	518	1006
25		ADD	518	1605	276	117	AMD	518	1007
25		ADD	518	1606	276	118	AMD	518	1008
25		ADD	518	1607	276	120	AMD	518	1010
25	119	AMD	518	1009	276	121	AMD	518	1011
25	152	AMD	518	1018	276	123	AMD	518	1012
25	617	AMD	518	1502	276	124	AMD	518	1013
25	706	AMD	518	1608	276	126	AMD	518	1014
26	115	AMD	488	936	276	129	AMD	518	1015
26	124	AMD	488	939	276	131	AMD	518	1016
26	131	AMD	488	937	276	132	AMD	518	1017
26	240	AMD	488	945	276	201	AMD	518	1101
26	330	AMD	488	948	276	202	AMD	518	1102
26	403	AMD	488	949	276	203	AMD	518	1103
26	421	AMD	488	950	276	204	AMD	518	1104
26	603	REP	488	957	276	205	AMD	518	1105
LAWS 2004			LAWS 2005		276	206	AMD	518	1106
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	276	207	AMD	518	1107
41	2	REMD	452	1	276	208	AMD	518	1108
54	1	AMD	287	2	276	209	AMD	518	1109
					276	211	AMD	518	1110
					276	212	AMD	518	1111
					276	213	AMD	518	1112
					276	214	AMD	518	1113
					276	215	AMD	518	1114
					276	217	AMD	518	1115

UNCODIFIED SESSION LAW SECTIONS AFFECTED BY 2005 STATUTES

LAWS 2004			LAWS 2005		LAWS 2004			LAWS 2005	
<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
276	218	AMD	518	1116	276	603	AMD	518	1501
276	219	AMD	518	1117	276	701	AMD	518	1601
276	301	AMD	518	1201	276	702	AMD	518	1602
276	302	AMD	518	1202	276	703	AMD	518	1603
276	304	AMD	518	1203	276	709	AMD	518	1604
276	306	AMD	518	1204	276	802	AMD	518	1701
276	307	AMD	518	1205	277		ADD	488	940
276	308	AMD	518	1206	277		ADD	488	941
276	402	AMD	518	1301	277		ADD	488	942
276	501	AMD	518	1401	277		ADD	488	947
276	502	AMD	518	1402	277	110	AMD	488	943
276	503	AMD	518	1403	277	201	AMD	488	938
276	504	AMD	518	1404	277	209	AMD	488	944
276	505	AMD	518	1405	277	221	AMD	488	946
276	506	AMD	518	1406	277	236	AMD	488	952
276	507	AMD	518	1407	277	262	AMD	488	951
276	508	AMD	518	1408	277	302	REP	488	957
276	509	AMD	518	1409	277	904	AMD	488	954
276	510	AMD	518	1410	277	911	AMD	488	953
276	511	AMD	518	1411					
276	513	AMD	518	1412					
276	514	AMD	518	1413					
276	515	AMD	518	1414					
276	516	AMD	518	1415					
					<u>LAWS 2005</u>			<u>LAWS 2005</u>	
					<u>Ch.</u>	<u>Sec.</u>	<u>Action</u>	<u>Ch.</u>	<u>Sec.</u>
					518		ADD	517	1

HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE No. 1 (**State-wide Prohibition**)—Filed January 2, 1914. Refiled as Initiative Measure No. 3.
- INITIATIVE MEASURE No. 2 (**Eight Hour Law**)—Filed January 3, 1914. Refiled as Initiative Measure No. 5.
- ***INITIATIVE MEASURE No. 3 (State-Wide Prohibition)**—Filed January 8, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: **For**—189,840 **Against**—171,208. Act is now identified as Chapter 2, Laws of 1915.
- INITIATIVE MEASURE No. 4 (**Drugless Healers**)—Filed January 13, 1914. No petition filed.
- INITIATIVE MEASURE No. 5 (**Eight Hour Law**)—Filed January 15, 1914. No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE No. 6 (**Blue Sky Law**)—Filed January 30, 1914. Submitted to voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—142,017 **Against**—147,298.
- INITIATIVE MEASURE No. 7 (**Abolishing Bureau of Inspection**)—Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—117,882 **Against**—167,080.
- ***INITIATIVE MEASURE No. 8 (Abolishing Employment Offices)**—Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: **For**—162,054 **Against**—144,544. Act is now identified as Chapter 1, Laws of 1915.
- INITIATIVE MEASURE No. 9 (**First Aid to Injured**)—Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—143,738 **Against**—154,166.
- INITIATIVE MEASURE No. 10 (**Convict Labor Road Measure**)—Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—111,805 **Against**—183,726.
- INITIATIVE MEASURE No. 11 (**Fish Code**)—Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.
- INITIATIVE MEASURE No. 12 (**Abolishing Tax Commission**)—Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.
- INITIATIVE MEASURE No. 13 (**Eight Hour Law**)—Filed February 10, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—118,881 **Against**—212,935.
- INITIATIVE MEASURE No. 14 (**Legislative Reapportionment**)—Filed May 13, 1914. No petition filed.
- INITIATIVE MEASURE No. 15 (**Fundamental Reform Act**)—Filed May 15, 1914. No petition filed.

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE No. 16 (**Legislative Reapportionment**)—Filed May 20, 1914. No petition filed.
- INITIATIVE MEASURE No. 17 (**State Road Measure**)—Filed June 13, 1914. No petition filed.
- INITIATIVE MEASURE No. 18 (**Brewers' Hotel Bill**)—Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For**—48,354 **Against**—263,390.
- (This initiative was erroneously numbered since it was actually an initiative to the Legislature. Now renumbered as Initiative to the Legislature No. 1A.)
- INITIATIVE MEASURE No. 19 (**Nonpartisan Election and Presidential Primary**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE No. 20 (**First Aid**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE No. 21 (**Home Rule**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE No. 22 (**Fisheries Code**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE No. 23 (**Politicians' Code**)—Filed March 29, 1916. No petition filed.
- INITIATIVE MEASURE No. 24 (**Brewers' Bill**)—Filed April 20, 1916. Submitted to the voters at the state general election held on November 7, 1916. Failed to pass by the following vote: **For**—98,843 **Against**—245,399.
- INITIATIVE MEASURE No. 25 (**Repealing State-Wide Prohibition**)—Filed May 11, 1916. No petition filed.
- INITIATIVE MEASURE No. 26 (**Making the State a Prohibition District**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE No. 27 (**Repealing Chapter 57, Laws of 1915, Relating to Regulation of Common Carriers**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE No. 28 (**Nonpartisan Elections**)—Filed October 26, 1916. No petition filed.
- INITIATIVE MEASURE No. 29 (**Capitol Removal Bill**)—Filed November 27, 1916. No petition filed.
- INITIATIVE MEASURE No. 30 (**Eight Hour Law**)—Filed January 9, 1918. No petition filed.
- INITIATIVE MEASURE No. 31 (**Municipal Marketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE No. 32 (**Picketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE No. 33 (**Nonpartisan Elections and Presidential Primary**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE No. 34 (**Relating to Salmon Fishing**)—Filed February 8, 1918. No petition filed.
- INITIATIVE MEASURE No. 35 (**Repealing Chapter 174, Laws of 1919, Relating to Prevention of Criminal Syndicalism**)—Filed October 7, 1920. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE No. 36 (**Municipal Marketing Measure**)—Filed November 16, 1920. No petition filed.
- INITIATIVE MEASURE No. 37 (**Relating to Ownership of Land by Aliens**)—Filed November 19, 1920. No petition filed.
- INITIATIVE MEASURE No. 38 (**Repealing Chapter 209, Laws of 1907, Relating to the Nomination of Candidates for Public Office**)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE No. 39 (**Repealing Chapter 138, Laws of 1913, Relating to the Initiative Procedure**)—Filed January 11, 1922. No petition filed.

INITIATIVES TO THE PEOPLE

- *INITIATIVE MEASURE No. 40 (Repealing Chapter 174, Laws of 1921, Relating to the Poll Tax)**—Filed January 18, 1922. Submitted to the voters at the state general election held on November 7, 1922. Measure approved into law by the following vote: **For**—193,356 **Against**—63,494. Act is now identified as Chapter 1, Laws of 1923.
- INITIATIVE MEASURE No. 41 (**Nonpartisan Elections**)—Filed January 18, 1922. No petition filed.
- INITIATIVE MEASURE No. 42 (**Workmen's Compensation Measure**)—Filed January 24, 1922. Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE No. 43 (**Relating to Injunctions in Labor Disputes**)—Filed January 24, 1922. No petition filed.
- INITIATIVE MEASURE No. 44 (**Relating to Municipal Ownership**)—Filed January 28, 1922. No petition filed.
- INITIATIVE MEASURE No. 45 (**Legislative Reapportionment**)—Filed February 14, 1922. No petition filed.
- INITIATIVE MEASURE No. 46 ("**30-10" School Plan**)—Filed February 21, 1922. Submitted to the voters at the state general election held on November 7, 1922. Failed to pass by the following vote: **For**—99,150 **Against**—150,114.
- INITIATIVE MEASURE No. 47 (**Workmen's Compensation Measure**)—Filed March 27, 1922. No petition filed.
- INITIATIVE MEASURE No. 48 (**Compulsory School Attendance**)—Filed January 7, 1924. No petition filed.
- INITIATIVE MEASURE No. 49 (**Compulsory School Attendance**)—Filed January 15, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: **For**—158,922 **Against**—221,500.
- INITIATIVE MEASURE No. 50 (**Limitation of Taxation**)—Filed February 21, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: **For**—128,677 **Against**—211,948.
- INITIATIVE MEASURE No. 51 (**Pertaining to Salmon Fishing**)—Filed April 2, 1924. No petition filed.
- INITIATIVE MEASURE No. 52 (**Electric Power Measure**)—Filed April 8, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: **For**—139,492 **Against**—217,393.
- INITIATIVE MEASURE No. 53 (**Relating to Sanipractic**)—Filed February 4, 1926. No petition filed.
- INITIATIVE MEASURE No. 54 (**State Commission to License and Regulate Horse-Racing, Pool-Selling, etc.—Parimutuel Measure**)—Filed February 5, 1926. No petition filed.
- INITIATIVE MEASURE No. 55 (**Prohibiting Use of Purse Seines, Fish Traps, Fish Wheels, etc.**)—Filed February 16, 1928. No petition filed.
- INITIATIVE MEASURE No. 56 (**Redistricting State For Legislative Purposes**)—Filed April 24, 1930. Refiled as Initiative Measure No. 57.
- *INITIATIVE MEASURE No. 57 (Redistricting State for Legislative Purposes)**—Filed April 25, 1930. Submitted to the voters at the state general election held on November 4, 1930. Measure approved into law by the following vote: **For**—116,436 **Against**—115,641. Act is now identified as Chapter 2, Laws of 1931.
- *INITIATIVE MEASURE No. 58 (Permanent Registration)**—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—372,061 **Against**—75,381. Act is now identified as Chapter 1, Laws of 1933.

INITIATIVES TO THE PEOPLE

INITIATIVE MEASURE No. 59 (**Tax Free Homes**)—Filed January 9, 1932. No petition filed.

INITIATIVE MEASURE No. 60 (**Licensing of Mercantile Establishments**)—Filed January 9, 1932. No petition filed.

***INITIATIVE MEASURE No. 61 (Relating to Intoxicating Liquors)**—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—341,450 **Against**—208,211. Act is now identified as Chapter 2, Laws of 1933.

***INITIATIVE MEASURE No. 62 (Creating Department of Game)**—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—270,421 **Against**—231,863. Act is now identified as Chapter 3, Laws of 1933.

INITIATIVE MEASURE No. 63 (**Exemption of Homes from Taxation**)—Filed January 9, 1932. No petition filed.

***INITIATIVE MEASURE No. 64 (Limits Tax Levy on Real and Personal Property to 40 Mills)**—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—303,384 **Against**—190,619. Act is now identified as Chapter 4, Laws of 1933.

INITIATIVE MEASURE No. 65 (**Cascade Mountain Tunnel**)—Filed February 19, 1932. No petition filed.

INITIATIVE MEASURE No. 66 (**Scientific Birth Control**)—Filed February 26, 1932. No petition filed.

INITIATIVE MEASURE No. 67 (**Abolishes Excise Tax on Butter Substitutes**)—Filed March 7, 1932. No petition filed.

INITIATIVE MEASURE No. 68 (**Unemployment Insurance**)—Filed March 21, 1932. No petition filed.

***INITIATIVE MEASURE No. 69 (Income Tax Measure)**—Filed March 22, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For**—322,919 **Against**—136,983. Act is now identified as Chapter 5, Laws of 1933.

INITIATIVE MEASURE No. 70 (**Compulsory Military Training Prohibited**)—Filed April 4, 1932. No petition filed.

INITIATIVE MEASURE No. 71 (**Liquor Control**)—Filed January 8, 1934. No petition filed.

INITIATIVE MEASURE No. 72 (**Distribution of Highway Funds**)—Filed January 8, 1934. No petition filed.

INITIATIVE MEASURE No. 73 (**Catching of Fish**)—Filed January 8, 1934. No petition filed.

INITIATIVE MEASURE No. 74 (**Tax Free Homes**)—Filed January 8, 1934. No petition filed.

INITIATIVE MEASURE No. 75 (**Unemployment Insurance**)—Filed January 19, 1934. No petition filed.

INITIATIVE MEASURE No. 76 (**Tax Free Homes**)—Filed January 22, 1934. No petition filed.

***INITIATIVE MEASURE No. 77 (Fish Traps and Fishing Regulations)**—Filed February 1, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: **For**—275,507 **Against**—153,811. Act is now identified as Chapter 1, Laws of 1935.

INITIATIVE MEASURE No. 78 (**Distribution of Highway Funds**)—Filed February 9, 1934. No petition filed.

INITIATIVE MEASURE No. 79 (**Liquor Control**)—Filed February 20, 1934. No petition filed.

INITIATIVE MEASURE No. 80 (**Liquor Control**)—Filed February 24, 1934. No petition filed.

INITIATIVE MEASURE No. 81 (**Liquor Control**)—Filed February 28, 1934. No petition filed.

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- INITIATIVE MEASURE No. 82 (**Fishing Regulations**)—Filed March 10, 1934. No petition filed.
- INITIATIVE MEASURE No. 83 (**State Sale of Gasoline**)—Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE No. 84 (**Blanket Primary**)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE No. 85 (**State Fire Insurance**)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE No. 86 (**State Fire Insurance**)—Filed March 21, 1934. No petition filed.
- INITIATIVE MEASURE No. 87 (**Workmen's Compensation**)—Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE No. 88 (**Liquor Control**)—Filed March 24, 1934. No petition filed.
- INITIATIVE MEASURE No. 89 (**One Man Grand Jury**)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE No. 90 (**Criminal Appeals**)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE No. 91 (**Regulating Motor Carriers**)—Filed March 31, 1934. No petition filed.
- INITIATIVE MEASURE No. 92 (**Regulating Motor Carriers**)—Filed April 9, 1934. No petition filed.
- INITIATIVE MEASURE No. 93 (**Distribution of Highway Funds**)—Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- *INITIATIVE MEASURE No. 94 (40-Mill Tax Limit)**—Filed May 18, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: **For**—219,635 **Against**—192,168. Act is now identified as Chapter 2, Laws of 1935.
- INITIATIVE MEASURE No. 95 (**Liquor Control**)—Filed May 26, 1934. No petition filed.
- INITIATIVE MEASURE No. 96 (**Repeal of Business Occupation Tax**)—Filed June 4, 1934. No petition filed.
- INITIATIVE MEASURE No. 97 (**Dog Racing**)—Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE No. 98 (**Business and Occupation Tax**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE No. 99 (**Distribution of Highway Funds**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE No. 100 (**40-Mill Tax Limit**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE No. 101 (**Civil Service**)—Filed January 14, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**—208,904 **Against**—300,274.
- INITIATIVE MEASURE No. 102 (**Creating "State Government Bank" Department**)—Filed January 21, 1936. No petition filed.
- INITIATIVE MEASURE No. 103 (**Old Age Pension**)—Filed January 17, 1936. No petition filed.
- INITIATIVE MEASURE No. 104 (**Tax on Gasoline**)—Filed February 27, 1936. No petition filed.
- INITIATIVE MEASURE No. 105 (**Relating to Gill Nets**)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE No. 106 (**Voter's Identification Certificate**)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE No. 107 (**Tax on Gasoline**)—Filed March 7, 1936. No petition filed.
- INITIATIVE MEASURE No. 108 (**40-Mill Tax Limit**)—Filed March 12, 1936. No petition filed.
- INITIATIVE MEASURE No. 109 (**Admission of Sick to Hospitals**)—Filed March 14, 1936. No petition filed.

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- INITIATIVE MEASURE No. 110 (**Annuity for Crippled and Blind**)—Filed March 27, 1936. No petition filed.
- INITIATIVE MEASURE No. 111 (**Admission of Sick to Hospitals**)—Filed April 8, 1936. No petition filed.
- INITIATIVE MEASURE No. 112 (**Abolishing Compulsory Military Training**)—Filed April 9, 1936. No petition filed.
- INITIATIVE MEASURE No. 113 (**Tax on Gasoline**)—Filed April 15, 1936. No petition filed.
- *INITIATIVE MEASURE No. 114 (**40-Mill Tax Limit**)—Filed April 21, 1936. Submitted to the voters at the state general election held on November 3, 1936. Measure approved into law by the following vote: **For**—417,641 **Against**—120,478. Act is now identified as Chapter 1, Laws of 1937.
- INITIATIVE MEASURE No. 115 (**Old Age Pension**)—Filed April 21, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**—153,551 **Against**—354,162.
- INITIATIVE MEASURE No. 116 (**Tax on Gasoline**)—Filed April 24, 1936. No petition filed.
- INITIATIVE MEASURE No. 117 (**Production for Use**)—Filed May 1, 1936. No petition filed.
- INITIATIVE MEASURE No. 118 (**Liens for Labor**)—Filed May 5, 1936. No petition filed.
- INITIATIVE MEASURE No. 119 (**Production for Use**)—Filed May 9, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**—97,329 **Against**—370,140.
- INITIATIVE MEASURE No. 120 (**Tax on Gasoline**)—Filed May 11, 1936. No petition filed.
- INITIATIVE MEASURE No. 121 (**Beer on Sunday**)—Filed May 14, 1936. No petition filed.
- INITIATIVE MEASURE No. 122 (**Pertaining to Bribery and Grafting**)—Filed May 21, 1936. No petition filed.
- INITIATIVE MEASURE No. 123 (**Business and Occupation Tax**)—Filed January 27, 1938. No petition filed.
- INITIATIVE MEASURE No. 124 (**Distribution of Highway Funds**)—Filed February 9, 1938. No petition filed.
- INITIATIVE MEASURE No. 125 (**Tax on Intoxicating Liquors**)—Filed February 15, 1938. No petition filed.
- *INITIATIVE MEASURE No. 126 (**Nonpartisan School Election**)—Filed February 24, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For**—293,202 **Against**—153,142. Act is now identified as Chapter 1, Laws of 1939.
- INITIATIVE MEASURE No. 127 (**Distribution of Highway Funds**)—Filed March 14, 1938. No petition filed.
- INITIATIVE MEASURE No. 128 (**Civil Service**)—Filed March 14, 1938. No petition filed.
- *INITIATIVE MEASURE No. 129 (**40-Mill Tax Limit**)—Filed March 18, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For**—340,296 **Against**—149,534. Act is now identified as Chapter 2, Laws of 1939.
- INITIATIVE MEASURE No. 130 (**Regulation of Labor Disputes**)—Filed April 6, 1938. Submitted to the voters at the state general election held on November 8, 1938. Failed by the following vote: **For**—268,848 **Against**—295,431.
- INITIATIVE MEASURE No. 131 (**Civil Service**)—Filed April 7, 1938. No petition filed.
- INITIATIVE MEASURE No. 132 (**Old Age Assistance**)—Filed April 12, 1938. No petition filed.
- INITIATIVE MEASURE No. 133 (**Relating to Licensing Gambling**)—Filed April 15, 1938. No

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petition filed.

INITIATIVE MEASURE No. 134 (**Old Age Assistance**)—Filed April 19, 1938. No petition filed.

INITIATIVE MEASURE No. 135 (**40-Mill Tax Limit**)—Filed May 14, 1938. Insufficient number of signatures on petition; failed.

INITIATIVE MEASURE No. 136 (**Relating to Retail Beer and Wine Licenses**)—Filed June 3, 1938. No petition filed.

INITIATIVE MEASURE No. 137 (**Relating to Gambling**)—Filed June 9, 1938. No petition filed.

INITIATIVE MEASURE No. 138 (**Relating to Gambling**)—Filed June 13, 1938. No petition filed.

INITIATIVE MEASURE No. 139 (**P. U. D. Bonds**)—Filed January 5, 1940. Submitted to the voters at the state general election held on November 5, 1940. Failed by the following vote: **For**—253,318 **Against**—362,508.

INITIATIVE MEASURE No. 140 (**Liquor Control**)—Filed January 9, 1940. No petition filed.

***INITIATIVE MEASURE No. 141 (Old Age Pension)**—Filed January 11, 1940. Submitted to the voters at the state general election held on November 5, 1940. Measure approved into law by the following vote: **For**—358,009 **Against**—258,819. Act is now identified as Chapter 1, Laws of 1941.

INITIATIVE MEASURE No. 142 (**Chain Store Tax**)—Filed January 16, 1940. No petition filed.

INITIATIVE MEASURE No. 143 (**Relating to State Sale of Gas and Oil**)—Filed February 2, 1940. No petition filed.

INITIATIVE MEASURE No. 144 (**Unicameral Legislature**)—Filed February 23, 1940. Withdrawn. Refiled as Initiative Measure No. 147.

INITIATIVE MEASURE No. 145 (**Government Reorganization**)—Filed March 18, 1940. No petition filed.

INITIATIVE MEASURE No. 146 (**Relating to Sabbath Breaking**)—Filed March 22, 1940. No petition filed.

INITIATIVE MEASURE No. 147 (**Unicameral Legislature**)—Filed April 9, 1940. No petition filed.

INITIATIVE MEASURE No. 148 (**Liquor Control**)—Filed May 18, 1940. No petition filed.

INITIATIVE MEASURE No. 149 (**Anti-Subversive Activities**)—Filed May 23, 1940. No petition filed.

INITIATIVE MEASURE No. 150 (**Intoxicating Liquor Sold by the Drink**)—Filed January 3, 1942. No petition filed.

INITIATIVE MEASURE No. 151 (**Old Age Assistance**)—Filed January 3, 1942. Submitted to the voters at the state general election held on November 3, 1942. Failed to pass by the following vote: **For**—160,084 **Against**—225,027.

INITIATIVE MEASURE No. 152 (**Creating State Elective Offices of Director of Labor and Industries, Director of Social Security and Director of Agriculture**)—Filed January 27, 1942. No petition filed.

INITIATIVE MEASURE No. 153 (**Reconstitution of Board of State Land Commissioners**)—Filed February 24, 1942. No petition filed.

INITIATIVE MEASURE No. 154 (**After Discharge Benefits to Persons in the Armed Forces**)—Filed April 28, 1942. No petition filed.

INITIATIVE MEASURE No. 155 (**Washington Employment Peace Act**)—Filed January 10, 1944. No petition filed.

INITIATIVE MEASURE No. 156 (**Liberalization of Old Age Assistance Laws**)—Filed February 19, 1944. Refiled as Initiative Measure No. 157.

INITIATIVE MEASURE No. 157 (**Liberalization of Old Age Assistance Laws**)—Filed March 3,

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1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: **For**—240,565 **Against**—403,756.

INITIATIVE MEASURE No. 158 (**Liberalization of Old Age Assistance Laws by the Townsend Clubs of Washington**)—Filed March 28, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: **For**—184,405 **Against**—437,502.

INITIATIVE MEASURE No. 159 (**Increase of Injured Workmen's Compensation**)—Filed January 5, 1946. Insufficient signatures presented July 10, 1946, and measure not certified to general election ballot.

INITIATIVE MEASURE No. 160 (**Increase of Injured Workmen's Compensation**)—Filed January 5, 1946. No petition filed.

INITIATIVE MEASURE No. 161 (**Changing Form of General Election Ballot to Conform with Primary Election Ballot**)—Filed January 5, 1946. No petition filed.

INITIATIVE MEASURE No. 162 (**Prohibiting the Governor from Employing Members of the Legislature During the Term for Which He Shall Have Been Elected**)—Filed January 5, 1946. No petition filed.

INITIATIVE MEASURE No. 163 (**Prohibiting the Sale of Beer or Wine by any Person other than the State of Washington**)—Filed January 9, 1946. Insufficient signatures presented July 6, 1946, and measure not certified to general election ballot.

INITIATIVE MEASURE No. 164 (**Prohibiting the Sale of Fortified Wines**)—Filed February 25, 1946. No petition filed.

INITIATIVE MEASURE No. 165 (**Providing for the Sale of Liquor by the Drink**)—Filed March 1, 1946. Insufficient signatures presented July 8, 1946, and measure not certified to general election ballot.

INITIATIVE MEASURE No. 166 (**Relating to Public Utility Districts; requiring approval of voters as prerequisite to acquisition of any operating electrical utility properties, etc.**)—Filed April 24, 1946. Signature petitions filed June 29, 1946, submitted to the voters at the state general election held on November 5, 1946. Failed by the following vote: **For**—220,239 **Against**—367,836.

INITIATIVE MEASURE No. 167 (**Providing Liquor by the Drink at Licensed Establishments**)—Filed January 2, 1948. Insufficient valid signatures presented July 6, 1948, and measure not certified to state general election ballot.

INITIATIVE MEASURE No. 168 (**Providing Liquor by the Drink for Consumption on Premises Where Sold**)—Filed January 2, 1948. No signature petitions presented for checking.

*INITIATIVE MEASURE No. 169 (**Providing Bonus to Veterans of World War II**)—Filed January 2, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For**—438,518 **Against**—337,410. However, State Supreme Court ruled measure unconstitutional February 4, 1949. As consequence similar measure passed into law by 1949 Legislature (Chapter 180, Laws of 1949).

INITIATIVE MEASURE No. 170 (**Relating to Liberalization of Social Security Laws**)—Filed January 13, 1948. Because sponsor desired changes in text of proposed law, measure refiled as Initiative Measure No. 172.

*INITIATIVE MEASURE No. 171 (**Providing Liquor by the Drink with Certain Restrictions**)—Filed January 19, 1948. Signature petitions filed July 7, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For**—416,227 **Against**—373,418. Act is now identified as Chapter 5, Laws of 1949.

*INITIATIVE MEASURE No. 172 (**Relating to Liberalization of Social Security Laws**)—Filed

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February 26, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For**—420,751 **Against**—352,642. Act is now identified as Chapter 6, Laws of 1949.

INITIATIVE MEASURE No. 173 (**Providing for the Observance of Daylight Saving Time in the State of Washington**)—Filed May 20, 1948. No signature petitions presented for checking.

INITIATIVE MEASURE No. 174 (**Making application to Congress to call a Convention for the sole purpose of proposing an amendment to the Constitution of the United States to expedite and insure participation of the United States in a world federal government**)—Filed January 16, 1950. No signature petitions presented for checking.

INITIATIVE MEASURE No. 175 (**Establishing a Department of Youth Protection to operate the Washington State Training School and the State School for Girls under nonpartisan control**)—Filed March 31, 1950. No signature petitions presented for canvassing. Essential provisions of this measure enacted by the 1951 Legislature (Chapter 234, Laws of 1951).

INITIATIVE MEASURE No. 176 (**Increasing to sixty-five dollars monthly the minimum grant for certain categories of public assistance, otherwise extending the social security program, and making an appropriation**)—Filed April 20, 1950. Submitted to the voters at the state general election held on November 7, 1950. Failed to pass by the following vote: **For**—159,400 **Against**—534,689.

INITIATIVE MEASURE No. 177—Filed May 1, 1950. Refiled May 5, 1950, as Initiative Measure No. 178.

*INITIATIVE MEASURE No. 178 (**Modifying the Citizens' Security Act of 1948 (Initiative Measure No. 172) and transferring the public assistance medical program to the State Department of Health**)—Filed May 5, 1950. Submitted to the voters at the state general election held on November 7, 1950. Measure approved into law by the following vote: **For**—394,261 **Against**—296,290. Act is now identified as Chapter 1, Laws of 1951.

INITIATIVE MEASURE No. 179 (**Liberalizing unemployment compensation benefits and repealing that portion of the Unemployment Compensation Act providing for employer experience rating**)—Filed May 5, 1950. No signature petitions presented for checking.

*INITIATIVE MEASURE No. 180 (**Authorizing the Manufacture, Sale and Use of Colored Oleomargarine**)—Filed February 4, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: **For**—836,580 **Against**—163,752. Act is now identified as Chapter 1, Laws of 1953.

*INITIATIVE MEASURE No. 181 (**Prescribing the Observance of Standard Time**)—Filed February 27, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: **For**—597,558 **Against**—397,928. Act is now identified as Chapter 2, Laws of 1953.

INITIATIVE MEASURE No. 182 (**Repealing Sunday Blue Laws**)—Filed March 24, 1952. No signature petitions presented for checking.

INITIATIVE MEASURE No. 183 (**Petitioning Congress to declare a policy of the United States to live in peaceful coexistence with other nations and to call a conference of the heads of leading nations to negotiate a settlement of existing differences**)—Filed March 26, 1952. No signature petitions presented for checking.

INITIATIVE MEASURE No. 184 (**Liberalizing Old Age Pension Laws**)—Filed April 3, 1952. Submitted to the voters at the state general election held on November 4, 1952. Failed by the following vote: **For**—265,193 **Against**—646,534.

INITIATIVE MEASURE No. 185 (**Liberalizing Old Age Pension Laws**)—Filed April 11, 1952. No signature petitions presented for checking.

INITIATIVE MEASURE No. 186 (**Providing a Civil Service System for Employees of County**

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- Sheriffs**)—Filed April 14, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 187 (**Permitting a Modified Coloring of Oleomargarine**)—Filed May 15, 1952. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 188 (**Raising Standards for Chiropractic Examinations**)—Filed January 4, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For**—320,179 **Against**—493,108.
- INITIATIVE MEASURE No. 189 (**Legislative Reapportionment**)—Filed January 4, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 190 (**Presidential Preference Primary**)—Filed January 6, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 191 (**Attorneys' Fees in Probate**)—Filed January 21, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 192 (**Regulation of Commercial Salmon Fishing**)—Filed February 16, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For**—237,004 **Against**—555,151.
- INITIATIVE MEASURE No. 193 (**State-Wide Daylight Saving Time**)—Filed February 23, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For**—370,005 **Against**—457,529.
- INITIATIVE MEASURE No. 194 (**Restricting Television Alcoholic Beverage Advertising**)—Filed March 26, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For**—207,746 **Against**—615,794.
- INITIATIVE MEASURE No. 195 (**State Toll Commission**)—Filed March 30, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 196 (**the Unemployment Compensation Act**)—Filed April 23, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 197 (**Restricting Dams: Columbia River Tributaries**)—Filed May 12, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 198 (**Affecting Employer-Employee Relations**)—Filed January 19, 1956. Submitted to the voters at the state general election held on November 6, 1956. Failed to pass by the following vote: **For**—329,653 **Against**—704,903.
- *INITIATIVE MEASURE No. 199 (**Legislative Reapportionment and Redistricting**)—Filed February 16, 1956. Submitted to the voters at the November 6, 1956 state general election. Measure approved into law by the following vote: **For**—448,121 **Against**—406,287. However, 1957 Legislature extensively amended this act by passing Chapter 289, Laws of 1957 by two-thirds approval of both branches of the Legislature.
- INITIATIVE MEASURE No. 200 (**Increasing Public Assistance Benefits**)—Filed February 27, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE No. 201 (**Washington Fair Labor Standards Act**)—Filed March 2, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE No. 202 (**Restricting Labor Agreements**)—Filed January 6, 1958. Signature petitions filed July 3, 1958 and found sufficient. Submitted to voters at the state general election held on November 4, 1958. Failed by the following vote: **For**—339,742 **Against**—596,949.
- INITIATIVE MEASURE No. 203 (**Wood Pulp Waste Tax**)—Filed February 28, 1959. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 204 (**Civil Service for State Employees**)—Filed January 8, 1960. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 205 (**Authorizing Tavern Spirituous Liquor Licenses**)—Filed

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January 8, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Failed by the following vote: **For**—357,455 **Against**—799,643.

INITIATIVE MEASURE No. 206 (**Authorizing and Licensing "Denturistry"**)—Filed January 11, 1960. No signature petitions presented for checking.

*INITIATIVE MEASURE No. 207 (**Civil Service for State Employees**)—Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**—606,511 **Against**—471,730. Act is now identified as Chapter 1, Laws of 1961.

*INITIATIVE MEASURE No. 208 (**Authorizing Joint Tenancies in Property**)—Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**—647,529 **Against**—430,698. Act is now identified as Chapter 2, Laws of 1961.

INITIATIVE MEASURE No. 209 (**Minimum Old Age Assistance Grants**)—Filed February 8, 1960. No signature petitions presented for checking.

*INITIATIVE MEASURE No. 210 (**State-Wide Daylight Saving Time**)—Filed April 15, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**—596,135 **Against**—556,623. Act is now identified as Chapter 3, Laws of 1961.

INITIATIVE MEASURE No. 211 (**State Legislative Reapportionment and Redistricting**)—Filed January 8, 1962 by the League of Women Voters of Washington. Signature petitions filed on June 29, 1962 and as of August 22, 1962 it was determined that the necessary number of valid signatures had been submitted to certify measure to the voters for decision at the 1962 state general election. Measure was rejected by the voters by the vote: **For**—396,419 **Against**—441,085.

INITIATIVE MEASURE No. 212 (**Repealing Certain 1961 Tax Laws**)—Filed January 8, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.

INITIATIVE MEASURE No. 213 (**Authorizing and Licensing "Denturistry"**)—Filed January 8, 1962 by the Washington Society of Denturists. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.

INITIATIVE MEASURE No. 214 (**Restricting the Legislature's Tax Power**)—Filed February 19, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.

*INITIATIVE MEASURE No. 215 (**Marine Recreation Land Act**)—Filed January 3, 1964 by the Citizens for Outdoor Recreation—Marvin B. Durning, Chairman. Signature petitions filed July 3, 1964 and found sufficient. Submitted to the voters at the November 3, 1964 state general election. Measure approved into law by the following vote: **For**—665,737 **Against**—381,743. Act is now identified as Chapter 5, Laws of 1965.

INITIATIVE MEASURE No. 216 (**Repeal—County, Regional Planning Act**)—Filed January 3, 1964 by the Committee for Private Property Rights—Joseph W. Shott, Chairman. No signature petitions presented for checking.

INITIATIVE MEASURE No. 217 (**Election of State Game Commissioners**)—Filed January 8, 1964 by the Washington State Wild Life Council, Inc.—Theodore E. Lohman, Vice President. Refined as Initiative Measure No. 221.

INITIATIVE MEASURE No. 218 (**Automotive Repair Regulatory Act**)—Filed January 10, 1964 by the Car Owners Association of Washington—John S. Kelly, President. No signature petitions presented for checking.

INITIATIVE MEASURE No. 219 (**Repeal of Metro Enabling Act**)—Filed January 20, 1964 by the

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Committee on Constitutional Rights of the State of Washington—Mrs. Ann Kathryn Jensen, Chairman. No signature petitions presented for checking.

INITIATIVE MEASURE No. 220 (**Repeal of Urban Renewal Law**)—Filed January 20, 1964 by the Committee on Constitutional Rights of the State of Washington—Mrs. Ann Kathryn Jensen, Chairman. No signature petitions presented for checking.

INITIATIVE MEASURE No. 221 (**Election of State Game Commissioners**)—Filed February 13, 1964 by the Washington State Wild Life Council, Inc.—Theodore E. Lohman, Vice President. No signature petitions presented for checking.

INITIATIVE MEASURE No. 222 (**Reallocation of Liquor Sales Revenue**)—Filed February 20, 1964 by the More & Better Schools for Washington—Lloyd M. Brown, President. No signature petitions presented for checking.

INITIATIVE MEASURE No. 223 (**Extending Saturday Night Closing Hours**)—Filed February 26, 1964 by the Citizens Committee for Sensible Closing Hours—Chester W. Ramage, President. No signature petitions presented for checking.

INITIATIVE MEASURE No. 224 (**Prohibiting City Street Parking Fees**)—Filed March 31, 1964 by the Committee to Ban Parking Meters in the State of Washington—Edward John Kiter, Chairman. No signature petitions presented for checking.

INITIATIVE MEASURE No. 225 (**Repealing State Statutes Against Discrimination**)—Filed April 23, 1964 by the Committee for Preservation of Freedom of Choice—William P. Brophy, Chairman. No signature petitions presented for checking.

INITIATIVE MEASURE No. 226 (**Cities Sharing Sales, Use Taxes**)—Filed January 10, 1966 by the Citizens' Committee for Community Betterment, Wayne C. Booth, Sr. of Seattle, Chairman. Signatures (180,896) filed July 8, 1966 and found sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and rejected by the following vote: **For**—403,700 **Against**—514,281.

INITIATIVE MEASURE No. 227 (**Buying Back Breakable Beverage Bottles**)—Filed January 10, 1966 by W. N. Dahmen on behalf of his son Randall Douglas Dahmen of Spokane. No signatures presented for checking.

INITIATIVE MEASURE No. 228 (**Tax Exemption: Food and Medicine**)—Filed February 1, 1966 by Karl J. Beaty of Tacoma. No signatures presented for checking.

*INITIATIVE MEASURE No. 229 (**Repealing Sunday Activities Blue Law**)—Filed February 17, 1966 by Lembhard G. Howell, David Sternhoff and Mark Patterson. Signatures (187,463) filed July 6, 1966 and found sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and approved into law by the following vote: **For**—604,096 **Against**—333,972. Act is now identified as Chapter 1, Laws of 1967.

INITIATIVE MEASURE No. 230 (**Rendering Emergency Aid—Liability Limitation**)—Filed February 17, 1966 and cosponsored jointly by the Washington State Association of Fire Chiefs, Washington State Firemen's Association, and Washington Association of Sheriffs and Police Chiefs. No signatures presented for checking.

INITIATIVE MEASURE No. 231 (**Repealing Freight Train Crew Law**)—Filed March 11, 1966 by the Committee for Transportation Economy—Fred H. Tolan, Chairman. **Refiled as Initiative Measure No. 233.**

INITIATIVE MEASURE No. 232 (**Supreme Court Judges—Powers—Election**)—Filed March 14, 1966 by Walter H. Philipp of Seattle. No signatures presented for checking. **Refiled as Initiative Measure No. 31 to the Legislature.**

*INITIATIVE MEASURE No. 233 (**Repealing Freight Train Crew Law**)—Filed March 22, 1966 by same sponsors of Initiative Measure No. 231. The only change in text of Initiative Measure No. 233 was the deletion of one sentence of the preamble as contained in Section 1

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of Initiative Measure No. 231. Thus, for all practical purposes, the two initiative measures cover the same legal ground. Signatures (166,866) filed July 6, 1966 and found to be sufficient. Measure submitted to the voters for decision at the November 8, 1966 state general election and approved into law by the following vote: **For**—591,015 **Against**—339,978. Act is now identified as Chapter 2, Laws of 1967.

INITIATIVE MEASURE No. 234 (**Civil Service—Certain County Employees**)—Filed March 30, 1966 by the Committee to Improve County Government. The scope of this measure was limited to class AA and class A counties (King, Pierce and Spokane). In order to obtain additional support, a new proposal was drafted extending civil service to all counties and filed as Initiative Measure No. 237. For this reason, no attempt was made to obtain signatures for Initiative Measure No. 234.

INITIATIVE MEASURE No. 235 (**Repealing Certain Mental Health Laws**)—Filed April 1, 1966 by Mrs. Rose R. Garrett Nelson of Puyallup. No signatures presented for checking.

INITIATIVE MEASURE No. 236 (**Regulating Highway—Railroad Crossings**)—Filed April 15, 1966 by the Committee for the Elimination of Public Grade Crossings—Arthur J. McGinn of Spokane, Chairman. No signatures presented for checking.

INITIATIVE MEASURE No. 237 (**Civil Service for County Employees**)—Filed April 15, 1966 by the Committee to Improve County Government—Anne Shannon of Des Moines, Secretary. No signatures presented for checking.

INITIATIVE MEASURE No. 238 (**Prohibiting Regulation of Land Use**)—Filed January 5, 1968 by the Committee for Private Property Rights—Joseph W. Shott of Olympia, Chairman. No signatures presented for checking.

INITIATIVE MEASURE No. 239 (**Mandatory County Civil Service System**)—Filed January 10, 1968 by the Special Committee of the King County Employees Association—Walter P. Barclay of Seattle, Chairman. No signatures presented for checking.

INITIATIVE MEASURE No. 240 (**Termination: Certain Land Use Regulations**)—Filed January 15, 1968 by Robert W. Sollars of Everett. No signatures presented for checking.

INITIATIVE MEASURE No. 241 (**Calling 1970 State Constitutional Convention**)—Filed February 2, 1968 by the Committee to Call a Constitutional Convention—S. Lynn Sutcliffe of Seattle, Chairman. No signatures presented for checking.

*INITIATIVE MEASURE No. 242 (**Drivers' Implied Consent—Intoxication Tests**)—Filed February 8, 1968 by the Washington State Medical Association—Dr. Charles P. Larson of Seattle, Vice-President. Signatures (123,589) filed July 3, 1968 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election and approved into law by the following vote: **For**—792,242 **Against**—394,644. Act is now identified as Chapter 1, Laws of 1969.

INITIATIVE MEASURE No. 243 (**Information for Life Insurance Purchasers**)—Filed February 19, 1968 by Theodore Radcliffe of Wenatchee. No signatures presented for checking.

INITIATIVE MEASURE No. 244 (**State—County Tax Millage Shift**)—Filed February 23, 1969 by the Washington State Association of County Commissioners. No signatures presented for checking.

*INITIATIVE MEASURE No. 245 (**Reducing Maximum Retail Service Charges**)—Filed April 4, 1968 by Joseph H. Davis, President, and Marvin L. Williams, Secretary-Treasurer of the Washington State Labor Council, AFL-CIO. Signatures (143,395) filed July 5, 1968 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election and approved into law by the following vote: **For**—642,902 **Against**—551,394. Act is now identified as Chapter 2, Laws of 1969.

INITIATIVE MEASURE No. 246—Filed January 6, 1970 by Donald N. McDonald. Immediately after filing, the sponsor decided to abandon the initiative measure. For this reason, Attorney

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General did not issue ballot title and no further action was taken. Refiled January 22, 1970 as Initiative Measure No. 248.

INITIATIVE MEASURE No. 247 (**Increasing Maximum Retail Service Charges**)—Filed January 20, 1970 by the Washington Citizens for Competitive Credit—A. F. Carey of Seattle, Secretary-Treasurer. No signatures presented for checking.

INITIATIVE MEASURE No. 248 (**Property Tax Millage Rate Reallocation**)—Filed January 22, 1970 by Donald N. McDonald of Bothell. No signatures presented for checking.

INITIATIVE MEASURE No. 249—Filed February 11, 1970 by the Committee for Bingo for Washington—State Representative Mark Litchman, Jr. of Seattle, Chairman. NOTE: Attorney General refused to issue a ballot title for this measure because, in his opinion, the initiative procedure cannot be used to amend the state constitution. No further action was taken by the sponsor.

INITIATIVE MEASURE No. 250 (**Certain Salary Increases—Voter Approval**)—Filed February 17, 1970 by the Committee for Voter Approved Salary Increases—Albert C. Navone of Seattle, Chairman. No signatures presented for checking.

INITIATIVE MEASURE No. 251 (**State Taxation—To Regulate Imposition**)—Filed March 12, 1970 by Vick Gould of Tax Limit League, Bellevue. Signatures (135,668) filed July 3, 1970 and found sufficient. Measure submitted to the voters for decision at the November 3, 1970 state general election and rejected by the following vote: **For**—504,779 **Against**—527,263.

INITIATIVE MEASURE No. 252 (**Property Taxation—Fixing Maximum Rate**)—Filed March 12, 1970 by Overtaxed, Inc.—Harley H. Hoppe, President. Due to technical reasons, the sponsor abandoned this measure and no further action was taken.

INITIATIVE MEASURE No. 253 (**Open Land—Special Taxation Basis**)—Filed March 24, 1970 by the Island County Branch of American Taxpayers Association, Inc.—John Metcalf, Vice-chairman. No signatures presented for checking.

INITIATIVE MEASURE No. 254 (**Certain Gambling Activities—Criminal Exemptions**)—Filed March 26, 1970 by the Washington State Federation of Fraternal, Patriotic, City and Country Clubs—M. R. Reynolds, President. No signatures presented for checking.

INITIATIVE MEASURE No. 255—Filed April 20, 1970 by Robert H. Keller, Jr. of Bellingham. Refiled April 23, 1970 as Initiative Measure No. 256.

INITIATIVE MEASURE No. 256 (**Prohibiting Certain Nonrefundable Beverage Receptacles**)—Filed April 23, 1970 by Robert H. Keller, Jr., of Bellingham. Signatures (188,102) filed July 1, 1970 and found sufficient. Measure submitted to the voters for decision at the November 3, 1970 state general election and rejected by the following vote: **For**—511,248 **Against**—538,118.

INITIATIVE MEASURE No. 257 (**Licensing Dog Racing—Parimutuel Betting**)—Filed April 29, 1970 by Donald Nicholson of Kirkland. No signatures presented for checking.

INITIATIVE MEASURE No. 258 (**Certain Cities—Greyhound Racing Franchises**)—Filed January 7, 1972 by Donald Nicholson of Kirkland. Signatures (151,856) filed July 7, 1972 and found sufficient. Measure submitted to the voters for decision at the November 7, 1972 state general election and rejected by the following vote: **For**—526,371 **Against**—895,385.

INITIATIVE MEASURE No. 259 (**Providing for Presidential Preference Primary**)—Filed January 7, 1972 by Bellingham Junior Chamber of Commerce of Bellingham. No signatures presented for checking.

INITIATIVE MEASURE No. 260 (**Regulating Horse and Dog Racing**)—Filed January 7, 1972 by Friends of Dog Racing (et al.) of Federal Way. No signatures presented for checking.

INITIATIVE MEASURE No. 261 (**Liquor Sales by Licensed Retailers**)—Filed January 10, 1972 by Warren B. McPherson and Robert B. Gould of Seattle. Signatures (122,241) filed July 7, 1972 and found sufficient. Measure submitted to the voters for decision at the November 7,

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1972 state general election and rejected by the following vote: **For**—634,973 **Against**—779,568.

INITIATIVE MEASURE No. 262 (**Minimum Age—Alcoholic Beverage Purchases**)—Filed January 13, 1972 by David G. Huey of Sedro Woolley. No signatures presented for checking.

INITIATIVE MEASURE No. 263 (**Tax Reform**)—Filed January 19, 1972 by Robert J. Corcoran of Puyallup. Refiled January 31, 1972 as Initiative Measure No. 267.

INITIATIVE MEASURE No. 264 (**Liberalizing State Regulation of Marijuana**)—Filed January 20, 1972 by Stephen Wilcox, Debbie Yarbrough, and Thomsen Abbott of Olympia. No signatures presented for checking.

INITIATIVE MEASURE No. 265—Filed January 20, 1972 by Joe Davis of Seattle. Refiled January 25, 1972 as Initiative Measure No. 266 with new sponsor.

INITIATIVE MEASURE No. 266 (**Changing Congressional and Legislative Districts**)—Filed January 25, 1972 by Vernon L. Martin of Olympia. No signatures presented for checking.

INITIATIVE MEASURE No. 267 (**Repealing Most Property Tax Exemptions**)—Filed January 31, 1972 by Robert J. Corcoran of Puyallup. No signatures presented for checking.

INITIATIVE MEASURE No. 268 (**Unicameral Legislature**)—Filed February 8, 1972 by Philip Tenney Rensvold of Olympia. (Attorney General refused to issue ballot title because of opinion that initiative procedure cannot be used to amend constitution.)

INITIATIVE MEASURE No. 269 (**Examinations for Diplomas and Degrees**)—Filed February 9, 1972 by Eugene Lydic of Kelso. No signatures presented for checking.

INITIATIVE MEASURE No. 270 (**Election Campaign Financial Reports**)—Filed February 10, 1972 by Robert Corcoran of Puyallup. No signatures presented for checking.

INITIATIVE MEASURE No. 271 (**Income Tax and Revenue Distribution**)—Filed February 28, 1972 by Charles Clark Marshall of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 272 (**Recreational Personal Property—Taxation Removed**)—Filed March 1, 1972 by Gary K. Ballew of Vancouver. No signatures presented for checking.

INITIATIVE MEASURE No. 273—Filed March 2, 1972 by Margaret C. Tunks of Seattle. Refiled March 13, 1972 as Initiative Measure No. 274 with new sponsor.

INITIATIVE MEASURE No. 274 (**Reducing Motor Vehicle Fuel Tax**)—Filed March 13, 1972 by Jeffrey R. Perkins of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 275 (**Regulating Nonnative Wild Animal Sales**)—Filed March 23, 1972 by Harry and June Delaloye of Seattle. No signatures presented for checking.

*INITIATIVE MEASURE No. 276 (**Disclosure—Campaign Finances—Lobbying—Records**)—Filed March 29, 1972 by Michael T. Hildt of Seattle. Signatures (162,710) were submitted and found sufficient. Submitted to the voters for decision at the November 7, 1972 state general election and approved by the following vote: **For**—959,143 **Against**—372,693. Act is now identified as Chapter 1, Laws of 1973.

INITIATIVE MEASURE No. 277 (**Camping on Certain Ocean Beaches**)—Filed April 5, 1972 by Carl P. Hanun of Aberdeen. No signatures presented for checking.

INITIATIVE MEASURE No. 278 (**Tax Revision—Income Tax—Schools**)—Filed April 14, 1972 by Senator Francis E. Holman, Senator Nat Washington, and Representative Charles Moon of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 279 (**State Funding of Public Schools**)—Filed May 19, 1972 by Alvin C. Leonard, Jr., of Bothell. No signatures presented for checking.

INITIATIVE MEASURE No. 280 (**Limiting Special Legislative Sessions**)—Filed March 12, 1973 by Axel Julin, Chairman, Committee to Retain a Part Time Citizen Legislature. No signatures presented for checking.

INITIATIVE MEASURE No. 281—Filed June 8, 1973 by Bruce Helm of Alderwood Manor.

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Refiled June 12, 1973 as Initiative Measure No. 282 with a new sponsor, Kenneth D. Hansen of Seattle.

***INITIATIVE MEASURE No. 282 (Shall state elected officials' salary increases be limited to 5.5% over 1965 levels, and judges' the same over 1972 levels?)**—Filed June 12, 1973 by Kenneth D. Hansen of Seattle. Signatures (699,098) were submitted and found sufficient. Measure submitted to the voters for decision at the November 6, 1973 state general election and was approved by the following vote: **For**—798,338 **Against**—197,795. Act is now identified as Chapter 149, Laws of 1974 Extraordinary Session.

INITIATIVE MEASURE No. 283 (Shall it be unlawful, except in an emergency, to hitchhike, or to pick up a hitchhiker along a public highway?)—Filed January 18, 1974 by Ms. Sallyann Devine of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 284 (Shall corporations pay a 12% excise tax measured by income so that special school levies may be reduced or eliminated?)—Filed January 22, 1974 by Representative Charles Moon. No signatures presented for checking.

INITIATIVE MEASURE No. 285 (Shall all privately or corporately owned land, including residential real estate, annually be taxed a minimum of \$2.50 per acre?)—Filed January 24, 1974 by Donn C. Higley of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 286 (Shall the membership of the legislature be reduced from forty-nine senators and ninety-eight representatives to twenty-one senators and sixty-three representatives?)—Filed January 30, 1974 by Harley H. Hoppe of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 287 (Shall salmon net fishing be prohibited in designated Puget Sound and adjacent waters unless permitted by a newly established commission?)—Filed January 31, 1974 by Dr. Charles F. Raab of Port Angeles. No signatures presented for checking.

INITIATIVE MEASURE No. 288 (Shall couples with children under 18 be ineligible for divorce and, upon separation, shall a commission oversee their children's rights?)—Filed February 1, 1974 by Joseph Garske of Yakima. No signatures presented for checking.

INITIATIVE MEASURE No. 289 (Shall additional gambling activities, including slot machines and card rooms, be legalized, local regulation prohibited, and the state gambling commission replaced?)—Filed February 4, 1974 by Roy Needham of Yakima. No signatures presented for checking.

INITIATIVE MEASURE No. 290 (Shall liquor prices be limited and revenue distribution formulas changed, a new seven-member liquor board created, and an administrator appointed?)—Filed February 25, 1974 by Senator William S. "Bill" Day of Spokane. No signatures presented for checking.

INITIATIVE MEASURE No. 291 (Shall parents and other persons be prohibited from inflicting or threatening bodily punishment upon children or mentally retarded persons?)—Filed March 12, 1974 by Ms. Shirley Amiel of Bellevue. No signatures presented for checking.

INITIATIVE MEASURE No. 292 (Shall criminal penalties for state traffic law violations and laws imposing state retail sales taxes and use taxes be repealed?)—Filed March 18, 1974 by Jack Zektzer of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 293 (Shall present laws governing modification, renewal or nonrenewal of certificated school employees' contracts be repealed and merit salary systems adopted?)—Filed March 18, 1974 by Senator Hubert F. Donohue of Dayton. No signatures presented for checking.

INITIATIVE MEASURE No. 294 (Shall the legislature be reduced to 21 senators and 63 representatives elected from single-member districts established by this initiative?)—Filed March 26, 1974 by Elizabeth J. Bracelin and Robert L. Burnham, Cosponsors. No

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signatures presented for checking.

INITIATIVE MEASURE No. 295 (**Shall the retail sales tax be eliminated on sales of food, clothing, medicines and medical devices, and residential construction costs?**)—Filed April 4, 1974 by Richard Dymont, Chairman, Libertarian Party of Washington. No signatures presented for checking.

INITIATIVE MEASURE No. 296 (**Shall the 1973 law substituting principles of comparative negligence for those of contributory negligence in civil damage actions be repealed?**)—Filed April 9, 1974 by James M. Petra of Chehalis. No signatures presented for checking.

INITIATIVE MEASURE No. 297 (**Shall any gambling activities be legal when licensed by the state gambling commission and authorized by the municipality where conducted?**)—Filed April 15, 1974 by Gary Bacon, Chairman, Committee for Local Option. No signatures presented for checking.

INITIATIVE MEASURE No. 298 (**Shall an initiative be adopted stating that no person shall serve for more than eight consecutive years in the legislature?**)—Filed May 10, 1974 by Harry S. Foster of Edmonds. No signatures presented for checking.

INITIATIVE MEASURE No. 299 (**Shall the tax on retail sales of liquor (spirits) in the original package be reduced by two cents per ounce?**)—Filed May 13, 1974 by Alfred J. Schweppe on behalf of the Citizens Committee for Lower Liquor Taxes. Signatures (134,695) filed July 5, 1974. Petition failed. Not enough valid signatures obtained to place the measure on the November 5, 1974 state general election ballot.

INITIATIVE MEASURE No. 300 (**Shall certain rights of parents regarding public school curricula and teaching materials be defined and some school district programs restricted?**)—Filed May 13, 1974 by Ms. Sally F. Tinner of Steilacoom. No signatures presented for checking.

INITIATIVE MEASURE No. 301 (**Shall present laws governing modification, renewal or nonrenewal of certificated school employees' contracts be repealed?**)—Filed January 16, 1975 by Ms. Dorothy Roberts of Bellevue. No signatures presented for checking.

INITIATIVE MEASURE No. 302 (**Shall the minimum age for the purchase or consumption of alcoholic beverages be lowered to 18 years?**)—Filed January 28, 1975 by Ms. Diahn Schmidt of Olympia. No signatures presented for checking.

INITIATIVE MEASURE No. 303 (**Shall an initiative be adopted declaring persons having served in the Congress a total of twelve years ineligible for reelection?**)—Filed January 29, 1975 by Gene Goosman, Sr. of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 304 (**Shall a new commission appoint the director of fisheries and manage food fish and shellfish for commercial and recreational purposes?**)—Filed February 3, 1975 by Dr. Charles F. Raab of Port Angeles. No signatures presented for checking.

INITIATIVE MEASURE No. 305 (**Shall the legal age for the use and consumption of alcoholic beverages be lowered to 19 years?**)—Filed February 6, 1975 by Richard Spaulding and William G. Bowie, both of Cheney. No signatures presented for checking.

INITIATIVE MEASURE No. 306 (**Shall state appropriations be limited to 9% of state personal income and decreases in state support to municipalities be restricted?**)—Filed February 13, 1975 by Kenneth D. Hansen of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 307 (**Shall some common school curricula be specified, teaching methods limited and written parental consent to certain school activities be required?**)—Filed March 7, 1975 by Paul O. Snyder of Tacoma. No signatures presented for checking.

INITIATIVE MEASURE No. 308 (**Shall sales and business and occupation taxes be removed from certain transactions involving clothing, food, shelter, and health care products?**)—

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Filed March 10, 1975 by Carl R. Nicolai of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 309 (**Shall the Shoreline Management Act of 1971 and the subsequent amendments to that Act be repealed?**)—Filed March 14, 1975 by James Mark Toevs of Chehalis. No signatures presented for checking.

INITIATIVE MEASURE No. 310 (**Shall the present forest practices act be repealed and be replaced with provisions relating solely to requirements for reforestation?**)—Filed March 18, 1975 by Ms. Betty J. Wells of Camano Island. No signatures presented for checking.

INITIATIVE MEASURE No. 311 (**Shall the death penalty be mandatory in cases of first degree murder and the definitions of degrees of murder revised?**)—Filed March 20, 1975 by Representative Earl F. Tilly. No signatures presented for checking.

INITIATIVE MEASURE No. 312 (**Shall an initiative be passed lowering certain real property taxes to 1960 levels, or, if greater, those at last transfer?**)—Filed April 4, 1975 by Donald H. Sallee of Brinnon. No signatures presented for checking.

INITIATIVE MEASURE No. 313 (**Shall the names of signers of initiative and referendum petitions be confidential and the petitions destroyed after they are canvassed?**)—Filed April 4, 1975 by Donald H. Sallee of Brinnon. No signatures presented for checking.

INITIATIVE MEASURE No. 314 (**Shall corporations pay a 12% excise tax measured by income so that special school levies may be reduced or eliminated?**)—Filed April 16, 1975 by Representative Charles Moon of Snohomish. Signatures (136,077) submitted and found sufficient. Submitted to the voters for decision at the November 4, 1975 state general election and was rejected by the following vote: **For**—323,831 **Against**—652,178.

INITIATIVE MEASURE No. 315 (**Shall maximum income levels entitling elderly and disabled persons to certain property tax exemptions be raised to \$10,000.00?**)—Filed April 18, 1975 by Representatives Eleanor A. Fortson and John M. Fischer. No signature petitions presented for checking.

***INITIATIVE MEASURE No. 316 (Shall the death penalty be mandatory in the case of aggravated murder in the first degree?)**—Filed May 26, 1975 by Representative Earl Tilly of Wenatchee. Signatures (134,290) submitted and found sufficient. Submitted to the voters for decision at the November 4, 1975 state general election and was approved by the following vote: **For**—662,535 **Against**—296,257. Act is now identified as Chapter 9, Laws of 1975-'76 2nd Extraordinary Session.

INITIATIVE MEASURE No. 317 (**Shall evidence of speeding violations obtained by radar, certain other electronic devices or unmarked police vehicles be inadmissible in court?**)—Filed January 2, 1976 by David L. Bovy of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE No. 318 (**Shall all minimum age requirements of twenty-one years be reduced to eighteen?**)—Filed January 6, 1976 by Martin Ringhofer of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE No. 319 (**Shall an initiative be adopted memorializing Congress to call a federal constitutional convention to limit taxation on income?**)—Filed January 7, 1976 by Clarence P. Keating, Jr. of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE No. 320 (**Shall new or increased taxes be prohibited and regular property taxes retained in the districts where they are collected?**)—Filed January 2, 1976 by Shirley Amiel of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE No. 321 (**Shall municipalities be empowered to permit gambling within their boundaries, licensed by the state, with tax revenues allocated to schools?**)—Filed January 13, 1976 by William O. Kumbera and the Committee for Tax Relief Through Local Option Gambling of Ocean Shores. Signatures (136,006) submitted and found

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insufficient to qualify measure to the state general election ballot.

INITIATIVE MEASURE No. 322 (**Shall fluoridation of public water supplies be made unlawful and violations subject to criminal penalties?**)—Filed January 2, 1976 by Caroline A. Sudduth of Seattle. Signatures (135,441) submitted and found insufficient to qualify measure to the state general election ballot. Suit was filed with Thurston County Superior Court against the Secretary of State and on appeal to the Supreme Court, Initiative Measure No. 322 was placed on the general election ballot on October 13. It was rejected at the November 2, 1976 general election by the following vote: **For**—469,929 **Against**—870,631.

INITIATIVE MEASURE No. 323 (**Shall an initiative be adopted declaring that no person shall hold most state elective offices more than twelve consecutive years?**)—Filed January 2, 1976 by Senator Peter von Reichbauer of Burton and Jack Metcalf of Langley. No signature petitions presenting for checking.

INITIATIVE MEASURE No. 324 (**Shall the Shoreline Management Act of 1971 and subsequent amendments to that act be repealed?**)—Filed January 12, 1976 by Melvin G. Toyne of Mt. Vernon. No signature petitions presented for checking.

INITIATIVE MEASURE No. 325 (**Shall future nuclear power facilities which do not meet certain conditions and receive two-thirds approval by the legislature be prohibited?**)—Filed February 3, 1976 by David C. H. Howard of Olympia. Signatures (approximately 165,000) submitted and found sufficient. Submitted to the voters at the November 2, 1976 general election and rejected by the following vote: **For**—482,953 **Against**—963,756.

INITIATIVE MEASURE No. 326 (**Shall grocery store sales of spirituous liquor be allowed, revenue distribution formulas changed, and the state liquor control board reconstituted?**)—Filed March 17, 1976 by Ruth Berliner of Tacoma. Sponsorship of initiative withdrawn May 17, 1976.

INITIATIVE MEASURE No. 327 (**Shall commercial fishing and shellfishing be banned on Hood Canal until a sufficient supply is found to exist?**)—Filed March 12, 1976 by J.L. Parsons of Union. Refiled as Initiative Measure No. 330.

INITIATIVE MEASURE No. 328 (**Relating to Term Limitation**)—Filed March 16, 1976 by Patrick W. Biggs of Seattle for the Thomas Jefferson Society. Attorney General declined to prepare ballot title.

INITIATIVE MEASURE No. 329 (**Shall places where obscene films are publicly and regularly shown or obscene publications a principal stock in trade be prohibited?**)—Filed March 26, 1976 by C.R. Lonergan, Jr. of Seattle. Signatures (120,621) submitted and found insufficient to qualify measure for state general election ballot.

INITIATIVE MEASURE No. 330 (**Shall the commercial taking of fish, crab and shrimp be banned on Hood Canal until a sufficient supply is available?**)—Filed April 12, 1976 by J.L. Parsons of Union. Refiled as Initiative to the Legislature No. 52.

INITIATIVE MEASURE No. 331 (**Shall future school district special levies for operations be prohibited and previously approved operational levies for collection in 1977 be reduced?**)—Filed March 27, 1976 by Jerold W. Thiedt of Monroe. No signature petitions presented for checking.

INITIATIVE MEASURE No. 332 (**Shall the state be removed from the liquor business in favor of large grocers and certain other private business enterprises?**)—Filed April 19, 1976 by Robert B. Gould and Warren McPherson of Woodinville. No signature petitions presented for checking.

INITIATIVE MEASURE No. 333 (**Shall a single pension system, coordinated with social security, replace existing systems for most public employees hired after June 30, 1977?**)—Filed April 19, 1976 by Senator August P. Mardesich of Everett. No signature petitions presented for checking.

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INITIATIVE MEASURE No. 334 (**Shall the fluid ounce tax on spirituous liquor in the original package be lowered from four to two cents?**)—Filed April 29, 1976 by Juanita K. Heaton of Seattle. No signature petitions presented for checking.

*INITIATIVE MEASURE No. 335 (**Shall places where obscene films are publicly and regularly shown or obscene publications a principal stock in trade be prohibited?**)—Filed January 10, 1977 by C.R. Lonergan, Jr. of Seattle. Signatures (175,998) submitted and found sufficient. Submitted to the voters at the November 8, 1977 state general election and was approved by the following vote: **For**—522,921 **Against**—431,989. Act is now identified as Chapter 1, Laws of 1979.

INITIATIVE MEASURE No. 336 (**Shall every municipality be authorized to permit all forms of state licensed gambling with tax revenues allocated to schools?**)—Filed January 11, 1977 by William O. Kumbera of The Committee for Tax Relief Through Local Option Gambling in Ocean Shores. No signature petitions presented for checking.

INITIATIVE MEASURE No. 337 (**Shall an initiative be adopted promoting the pursuit of peace through principals of mutual love and respect?**)—Filed January 10, 1977 by Kevin McKeigue of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE No. 338 (**Shall driving motor vehicles up to 10 M.P.H. over the maximum speed limit be subject to fines not exceeding \$15.00?**)—Filed January 10, 1977 by Timothy Ramey of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE No. 339 (**Shall the use of electronic voting devices and electronic vote tallying systems in any election in this state be prohibited?**)—Filed January 24, 1977 by Clarence P. Keating, Jr. of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE No. 340 (**Shall a convention be called to propose a new state constitution for approval or rejection by the people in 1979?**)—Filed January 20, 1977 by Tom A. Alberg, Citizens Coalition for a Constitutional Convention of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE No. 341 (**Shall minimum age requirements for various purposes other than drinking alcoholic beverages be reduced to eighteen years?**)—Filed February 7, 1977 by Martin Ringhofer of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE No. 342 (**Shall an initiative be adopted urging all state legislatures to reject and rescind approval of the federal equal rights amendment?**)—Filed February 15, 1977 by Mrs. J.L. Glesener of Kennewick. No signature petitions presented for checking.

INITIATIVE MEASURE No. 343 (**Shall state property taxes be eliminated, all other taxes limited, and state support levels for local government, including schools, mandated?**)—Filed February 29, 1977 by Shirley Amiel, State Tax Freeze and School Funding Initiative Political Committee of Bellevue. No signature petitions presented for checking.

INITIATIVE MEASURE No. 344 (**Shall the laws of the state be rewritten by January 1, 1981, to eliminate, if possible, ambiguity, redundancy and complexity?**)—Filed March 7, 1977 by Patrick M. Crawford of Tumwater. No signature petitions presented for checking.

*INITIATIVE MEASURE No. 345 (**Shall most food products be exempt from state and local retail sales and use taxes, effective July 1, 1978?**)—Filed March 30, 1977 by J. Linsey Hinand, Chairperson. Signatures (168,281) submitted and found sufficient. Submitted to the voters at the November 8, 1977 state general election and was approved by the following vote: **For**—521,062 **Against**—443,840. Act is now identified as Chapter 2, Laws of 1979.

INITIATIVE MEASURE No. 346 (**Shall the system of property assessment be repealed and a state assessor adopt a system of uniform state-wide property assessment?**)—Filed May 31, 1977 by Susan Sink of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE No. 347 (**Shall payment of legislator's per diem allowances be limited**

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- to 120 days in odd-numbered years and 60 days in even-numbered years?)—Filed June 13, 1977 by Robert B. Overstreet of Everett. No signature petitions presented for checking.
- INITIATIVE MEASURE No. 348 (**Shall the new variable motor vehicle fuel tax be repealed and the previous tax and distribution formula be reinstated?**)—Filed June 29, 1977 by Harley Hoppe of Mercer Island. Signatures (202,168) submitted and found sufficient. Submitted to the voters at the November 8, 1977 general election and after a mandatory recount was rejected by the following vote: **For**—470,147 **Against**—471,031.
- INITIATIVE MEASURE No. 349 (**Shall minimum age requirements for various purposes other than for drinking alcoholic beverages be reduced to eighteen years?**)—Filed January 12, 1978 by Mr. Martin Ringhofer of Seattle. Sponsor failed to submit signatures for checking.
- *INITIATIVE MEASURE No. 350 (Shall public educational authorities be prohibited from, assigning students to other than the nearest or next-nearest school with limited exceptions?)**—Filed February 10, 1978 by Mr. Ben Caley of Seattle. Signatures (182,882) submitted and found sufficient. Submitted to the voters at the November 7, 1978 general election and was approved by the following vote: **For**—585,903 **Against**—297,991. Act is now identified as Chapter 4, Laws of 1979.
- INITIATIVE MEASURE No. 351 (**Shall the age at which persons may purchase, consume or sell alcoholic beverages be lowered from 21 to 19 years?**)—Filed February 24, 1978 by Timothy J. Niggemeyer of Spokane. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE No. 352 (**Shall property owners not be liable for a trespasser's injury, unless the property owner intentionally and knowingly caused the injury?**)—Filed February 27, 1978 by Gayle Crawford of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE No. 353 (**Shall all containers of alcoholic beverages clearly bear the warning "Contents may cause brain damage, communication breakdown and family degradation"?**)—Filed April 28, 1978 by June and Pam Riggs of Mountlake Terrace. Sponsors failed to submit signatures for checking.
- INITIATIVE MEASURE No. 354 (**Shall the first \$10,000 value of a residence regularly occupied by its owner or tenant be exempt from property taxes?**)—Filed May 5, 1978 by Harley Hoppe of Mercer Island. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE No. 355 (**Refiled as Initiative Measure No. 356**)
- INITIATIVE MEASURE No. 356 (**Shall gambling and lotteries be permitted, and time and food sale limitations removed from sales of liquor by the drink?**)—Filed May 23, 1978 by Mr. James Banker of Renton. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE No. 357 (**Shall the system of property assessment be repealed and a state assessor adopt a system of uniform state-wide property assessment?**)—Filed May 9, 1978 by Ms. Susan M. Sink of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE No. 358 (**Shall assessed valuations of retired persons' residences remain unchanged and nonvoted school levies generally be limited to 6% annual increase?**)—Filed May 31, 1978 by Harley H. Hoppe of Mercer Island. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE No. 359 (**Shall increases in state tax revenues and expenditures be limited to the estimated rate of growth of state personal income?**)—Filed June 6, 1978 by Mr. Will Knedlik of Kirkland. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE No. 360 (**Shall an initiative be adopted limiting property taxes to 1% of value and requiring 2/3 legislative approval to change taxes?**)—Filed June 8, 1978 by Mssrs. J. Van Self and A. M. Lee Parker of Tacoma. Sponsors submitted signatures but they were insufficient to appear on the November ballot.
- INITIATIVE MEASURE No. 361 (**Shall minimum age requirements for various purposes other**

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than for drinking alcoholic beverages be reduced to eighteen years?—Filed January 8, 1979 by Mr. Martin Ringhofer of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE No. 362 (**Shall an initiative be adopted prohibiting the possession, construction, transportation or sale of nuclear weapons within the state of Washington?—**Filed January 19, 1979 by Mr. Randal South of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE No. 363 (**Shall strikes by public school teachers and other certificated employees be prohibited and penalties imposed for participation in such strikes?—**Filed January 31, 1979 by Mr. Alan Gottlieb of Bellevue. No signatures were presented for checking.

INITIATIVE MEASURE No. 364 (**Shall persons with physical handicaps be allowed to serve in the state militia and state and local law enforcement units?—**Filed February 1, 1979 by Mr. Daniel M. Jones of Olympia. No signatures presented for checking.

INITIATIVE MEASURE No. 365 (**Shall liquor retailing become a private business and a new five-member Liquor Control Board be created?—**Filed February 22, 1979 by Mr. Dennis L. Weaver of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE No. 366 (**Shall liquor retailing become a private business and any required food to liquor sales ratio in licensed restaurants be prohibited?—**Filed February 22, 1979 by Mr. Dennis L. Weaver of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE No. 367 (**Shall nursing homes be required to pay employees wages and benefits equal to those paid hospital employees performing comparable work?—**Filed February 9, 1979 by Mr. John W. Hempelmann of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE No. 368 (**Shall the state be absolutely prohibited from levying any property taxes and school districts be similarly restricted?—**Filed February 16, 1979 by Mr. John R. McBride of Spokane. No signatures were presented for checking.

INITIATIVE MEASURE No. 369 (**Shall the possession or sale of firearms be restricted, and mandatory sentences imposed for the commission of crimes involving firearms?—**Filed February 26, 1979 by Mr. Steven L. Kendall of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE No. 370 (**Shall a presidential preference primary be held to determine the percentage of delegate positions allocated each major political party candidate?—**Filed March 30, 1979 by Mr. Edward H. Hilscher of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE No. 371 (**Shall nuclear facilities be required to meet certain safety and liability standards and obtain state-wide voter approval prior to operation?—**Filed April 26, 1979 by Mr. William C. Montague of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE No. 372 (**State Lottery—**Filed January 4, 1980 by Mr. Lawrence C. Clever of Olympia. This measure was refiled as Initiative Measure No. 380.

INITIATIVE MEASURE No. 373 (**Shall a Retiree's Residence be Taxed at its 1977 Value or, when Retirement Occurs after 1981, its Retirement Year Value?—**Filed January 4, 1980 by Doyle R. Conner of Longview. No signatures presented for checking.

INITIATIVE MEASURE No. 374 (**Shall Property Tax Increases be Limited to Two Percent Annually and Special Property Tax Exemptions Granted to Retired Persons?—**Filed January 4, 1980 by Bill E. Hughes of Vancouver. No signatures presented for checking.

INITIATIVE MEASURE No. 375 (**Shall There be Mandatory Minimum Sentences, Restricted Local Firearms Regulations, No Affirmative Action for Police and Firemen, and**

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- Additional Prisons?)**—Filed by Kent Pullen of Kent. No signatures presented for checking.
- INITIATIVE MEASURE No. 376 (**Shall Minimum Age Requirements for Various Legal Purposes, other than for Allowing Alcoholic Beverage consumption, be Reduced to Eighteen Years?**)—Filed January 16, 1980 by Martin Ringhofer of Seattle. No signature presented for checking.
- INITIATIVE MEASURE No. 377 (**Shall Liquor Retailing Become a Private Business and any Required Food to Liquor Sales Ratio in Licensed Restaurants be Prohibited?**)—Filed January 24, 1980. No signatures presented for checking. Sponsored by Walter M. Friel of Tacoma.
- INITIATIVE MEASURE No. 378 (**Shall the State be Absolutely Prohibited from Levying any Property Taxes and School Districts be Similarly Restricted with Limited Exceptions?**)—Filed by Art Lee of Bellingham. No signatures presented for checking.
- INITIATIVE MEASURE No. 379 (**Shall Binding Arbitration of Public School Collective Bargaining Disputes be Required, Strikes by Public School Employees Prohibited and Penalties Established?**)—Filed by Cathleen R. Pearsall of Tacoma. No signatures presented for checking. Filed on February 11, 1980.
- INITIATIVE MEASURE No. 380 (**Shall a State Lottery be Established and Operated by the Gambling Commission, with the Profits Deposited in the General Fund?**)—Filed February 11, 1980 by Lawrence C. Clever of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE No. 381 (**Shall Snare and Leghold Traps be Prohibited after January 1, 1986, with Certain Exceptions Including Rodent Control and Public Health?**)—Filed January 31, 1980 by Curtiss J. Clumpner and Howard F. McGraw of Bellingham. The sponsors refiled the measure as No. 386.
- INITIATIVE MEASURE No. 382 (**Shall Joint Operating Agencies Obtain Voter Approval Prior to Issuing Bonds for the Construction or Acquisition of Significant Energy Facilities?**)—Filed February 15, 1980 by Tom Casey. Measure was later refiled as No. 385.
- *INITIATIVE MEASURE No. 383 (Shall Washington Ban the Importation and Storage of Non-medical Radioactive Wastes Generated Outside Washington, Unless Otherwise Permitted by Interstate Compact?)**—Filed February 7, 1980 by Allan H. Jones of Seattle. Sponsor submitted 148,166 signatures and the measure was subsequently certified to the ballot. Submitted to the voters at the November 4, 1980 general election and was approved by the following vote: **For**—1,211,606 **Against**—393,415.
- INITIATIVE MEASURE No. 384 (**Shall Limitations on Property Taxes and Assessments be Imposed and Other Tax Increases Prohibited Except by a Two-thirds Legislative Vote?**)—Filed February 20, 1980 by Normal Hildebrand of Tacoma. No signatures presented for checking.
- INITIATIVE MEASURE No. 385 (**Shall Joint Operating Agencies Obtain Voter Approval Prior to Issuing Bonds for the Construction or Acquisition of Significant Energy Facilities?**)—Filed March 3, 1980 by Tom Casey of Elma. No signatures presented for checking.
- INITIATIVE MEASURE No. 386 (**Shall Snare and Leghold Traps be Prohibited after January 1, 1986, with Certain Exceptions, Including Rodent Control and Public Health?**)—Filed March 3, 1980 by Curtiss Clumpner of Lynnwood. No signatures presented for checking.
- INITIATIVE MEASURE No. 387 (**Shall Political Contributions and Campaign Practices be Limited, Conflicts of Interest Regulated, Disclosure Requirements Increased and Statutes in Conflict Repealed?**)—Filed March 11, 1980 by Ann Quantock of Olympia. No signatures presented for checking.
- INITIATIVE MEASURE No. 388 (**Shall Congress be Memorialized to Create a Space Shuttle/**

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Energy Lottery to Increase Space Travel and Achieve Energy Independence?)—Filed March 11, 1980 by Jeff Vale of Des Moines. No signatures presented for checking.

INITIATIVE MEASURE No. 389 (**Shall it be Unlawful to Drive a Motor Vehicle Between the Hours of One and Two O'Clock on Sunday Afternoon?**)—Filed March 12, 1980 by Keith G. Wesley of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 390 (**Shall Private Retailers Replace State Liquor Stores with Sunday Package Sales Permitted, Tax Rates Revised and Certain Licensing Conditions Prohibited?**)—Filed April 1, 1980 by John Franco of Seattle. No signatures presented for checking.

INITIATIVE MEASURE No. 391 (**Shall an Initiative be Adopted Providing that all Washington Land Shall be Taxed Exclusive of any Improvements on the Land?**)—Filed April 11, 1980 by Jimmy D. Whittenburg of Olympia. No signatures presented for checking.

INITIATIVE MEASURE No. 392 (**Shall a retiree's residence be taxed at its 1977 value or, when retirement occurs after 1982, its retirement year value?**)—Filed January 19, 1981 by Doyle R. Conner of Longview. No signatures presented for checking.

INITIATIVE MEASURE No. 393 (**Shall all timber sold by the state, or any political subdivision, be primarily processed within the state, and violations penalized?**)—Filed January 5, 1981 by Brian Sirls of Tacoma. No signatures presented for checking.

*INITIATIVE MEASURE No. 394 (**Shall public agencies obtain voter approval prior to issuing bonds for the construction or acquisition of major public energy projects?**)—Filed January 6, 1981 by Steve Zemke of Seattle. Sponsor submitted 185,984 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 3, 1981 general election and was approved by the following vote: **For**—532,178 **Against**—384,419

INITIATIVE MEASURE No. 395 (**Shall all property be taxable based on 1977 valuations; revaluations be prohibited; and excess school levies required two-thirds voter approval?**)—Filed January 5, 1981 by Art Lee of Bellingham. No signatures were presented for checking.

INITIATIVE MEASURE No. 396 (**Shall voter approval be required to construct or finance public or private energy facilities costing more than one billion dollars?**)—Filed January 19, 1981 by Gretchen J. Hendricks and Jim Lazar of Olympia. No signatures were presented for checking.

INITIATIVE MEASURE No. 397 (**Shall an initiative be adopted requiring the legislature to petition Congress to call a constitutional convention to roll back gasoline prices?**)—Filed January 19, 1981 by Robert G. Materson of Ellensburg. No signatures were presented for checking.

INITIATIVE MEASURE No. 398 (**Inheritance and Gift Tax**)—Filed by Dick Patten of Seattle. This measure was refiled as Initiative Measure No. 402.

INITIATIVE MEASURE No. 399 (**Shall inheritance and gift taxes be abolished, and state death taxes be restricted to the federal estate tax credit allowed?**)—Filed February 19, 1981 by Dick Patten of Seattle. Sponsor refiled this initiative as Initiative Measure No. 402.

INITIATIVE MEASURE No. 400 (**Shall excise, inheritance, gift and property taxes be replaced by a transaction tax on receiving property, limited to one percent?**)—Filed March 27, 1981 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE No. 401 (**Shall contributions to legislative candidates be limited, publicity practices regulated, disclosure required, and civil enforcement and criminal penalties be imposed?**)—Filed April 1, 1981 by Carol Jean Coe of Federal Way. The sponsor presented 141,282 signatures for checking. These signatures were found insufficient to qualify for the general election ballot.

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- *INITIATIVE MEASURE No. 402 (Shall inheritance and gift taxes be abolished, and state death taxes be restricted to the federal estate tax credit allowed?)**—Filed April 3, 1981 by Dick Patten of Seattle. The sponsor presented 161,449 signatures for checking. The measure was subsequently certified to the ballot. Submitted to the voters at the November 3, 1981 general election and was approved by the following vote: **For**—610,507 **Against**—297,445.
- INITIATIVE MEASURE No. 403 (**Shall the legal possession of handguns or handgun ammunition be restricted, licensing requirements be broadened and criminal penalties be imposed?**)—Filed March 16, 1981 by Steven L. Kendall of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 404 (**Shall an independent commission be responsible for both congressional and legislative redistricting every ten years according to certain prescribed standards?**)—Filed April 30, 1981 by Jolene Unsoeld of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE No. 405 (**Alcoholic beverages**)—Filed April 23, 1981 by Robert J. Corcoran of Puyallup. This measure was refiled as Initiative Measure No. 406.
- INITIATIVE MEASURE No. 406 (**Shall all liquor retailing become a private business subject to certain restrictions, and the tax on liquor sales be reduced?**)—Filed May 15, 1981 by Robert J. Corcoran of Puyallup. No signatures were presented for checking.
- INITIATIVE MEASURE No. 407 (**Shall the crime victims' compensation program be continued, funds appropriated, and programs established to provide information to victims and witnesses?**)—Filed May 20, 1981 by Manuel E. Costa of Marysville. This measure was refiled as Initiative to the Legislature No. 75.
- INITIATIVE MEASURE No. 408 (**Motor fuel taxes**)—Filed May 20, 1981 by Harley H. Hoppe of Mercer Island. This measure was refiled as Initiative Measure No. 409.
- INITIATIVE MEASURE No. 409 (**Shall the motor vehicle fuel and license tax laws be amended to restore prior tax rates and revise revenue distribution?**)—Filed June 1, 1981 by Harley H. Hoppe of Mercer Island. No signatures were presented for checking.
- INITIATIVE MEASURE No. 410 (**Shall all real and personal property be taxable on the basis of 1977 valuations and any revaluation thereafter be prohibited?**)—Filed January 4, 1982 by Arthur E. Lee of Wenatchee. No signatures were presented for checking.
- INITIATIVE MEASURE No. 411 (**Shall most maximum loan and retail sales interest rates be the higher of 12% or 1% over the discount rate?**)—Filed January 4, 1982 by Marvin L. Williams and Larence G. Kenney of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 412 (**Shall the maximum interest rate on retail sales be the higher of 12% or 1% over the federal discount rates?**)—Filed January 4, 1982 by Marvin L. Williams and Lawrence G. Kenney of Seattle. The sponsors submitted 183,249 signatures for checking. The measure was subsequently certified to the ballot. Submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: **For**—452,710 **Against**—880,135.
- INITIATIVE MEASURE No. 413 (**Shall the present state owned and operated liquor distribution system be abolished and replace with licensed privately owned liquor dealers?**)—Filed January 6, 1982 by Robert J. Corcoran of Puyallup. This measure refiled as Initiative No. 434.
- INITIATIVE MEASURE No. 414 (**Shall a system requiring a minimum five cent refund on sales of beer, malt and carbonated beverage containers be established?**)—Filed January 7, 1982 by Robert C. Swanson (Citizens for a Cleaner Washington) of Seattle. The sponsors submitted 193,347 signatures for checking. The measure was subsequently certified to the ballot. It was submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: **For**—400,156 **Against**—965,951.

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- INITIATIVE MEASURE No. 415 (**Shall a state board of dentistry be established to license and regulate the practice of dentistry independent of licensed dentists?**)—Filed January 19, 1982 by Homer A. Moulthrop (Citizens of Washington for Independent Dentistry) of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 416 (**Shall voter approval be required to increase private utility rates by more than eight percent in any twelve-month period?**)—Filed January 27, 1982 by Wilmot A. Hall, Jr. of Olympia. This measure refiled as Initiative No. 419.
- INITIATIVE MEASURE No. 417 (**Shall the taxable value of principal residences of retirees over 60 be frozen at 75% of current assessed value?**)—Filed January 27, 1982 by Ann Clifton of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE No. 418 (**Shall the state's temporarily increased retail sales and use tax rate be reduced from 5.5% to 4.5%?**)—Filed February 8, 1982 by Gregory R. McDonald of Redmond. No signatures were presented for checking.
- INITIATIVE MEASURE No. 419 (**Shall voter approval be required to increase most utility rates by more than eight percent in any twelve-month period?**)—Filed February 11, 1982 by Wilmot A. Hall of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE No. 420 (**Shall all penalties, taxes and other limitations pertaining to the use, possession, cultivation, sale or transportation of marijuana be removed?**)—Filed February 22, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 421 (**Shall emission limitations for motor vehicles, air quality standards relating to such emissions, and vehicle emission inspection programs be abolished?**)—Filed February 22, 1982 by Douglas L. Solbeck and Linda D. Solbeck of Lynnwood. No signatures were presented for checking.
- INITIATIVE MEASURE No. 422 (**Shall a transaction tax on money and property transfers, not exceeding 1%, be substituted for excise, inheritance and property taxes?**)—Filed February 10, 1982 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 423 (**Shall most sales or transfers of vehicles, aircraft and boats be taxed at current values, less trade-in, unless previously taxed?**)—Filed February 25, 1982 by Stephen Michael and Earl N. Dunham of Longview. No signatures were presented for checking.
- INITIATIVE MEASURE No. 424 (Number assigned in error.)
- INITIATIVE MEASURE No. 425 (**Shall state marijuana criminal prohibitions, except sales for profit, be repealed but municipal prohibitions be permitted for those under eighteen?**)—Filed March 12, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 426 (**Shall the value of trade-ins of like kind be subtracted from the tax base for state sales and use taxes?**)—Filed March 12, 1982 by Stephen Michael and Earl N. Dunham of Longview. No signatures were presented for checking.
- INITIATIVE MEASURE No. 427 (**Shall the state Industrial Insurance Act be amended so as to eliminate the option for covered employers to self-insure?**)—Filed March 4, 1982 by Jack C. Martin of Olympia. No signatures were presented for checking.
- INITIATIVE MEASURE No. 428 (**Shall per diem, travel expenses and moving allowances to public officers, employees, board members and elected officials be largely prohibited?**)—Filed March 2, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 429 (**Shall public officers' salaries be reduced to 1979 levels; benefits eliminated; and any further salary increases conditioned upon voter**

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- approval?)**—Filed March 2, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 430 (**Shall the possession, use, cultivation and transportation of marijuana by persons and older be legalized?**)—Filed March 25, 1982 by Lawrence P. McMahon of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 431 (**Shall laws concerning lobbying, political fund raising, and the use of such funds be amended, with fees and penalties imposed?**)—Filed March 10, 1982 by V. R. Van Dyk of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE No. 432 (**Shall monthly grants of Aid to Families with Dependent Children be limited to \$300 or \$450, depending upon family size?**)—Filed March 16, 1982 by Robert S. Havens and Jean M. Havens of Spokane. No signatures were presented for checking.
- INITIATIVE MEASURE No. 433 (**Shall able persons receiving aid to families with dependent children be required to a community work experience program?**)—Filed March 19, 1982 by Robert S. Havens and Jean M. Havens of Spokane. No signatures were presented for checking.
- INITIATIVE MEASURE No. 434 (**Shall the state owned and operated liquor distribution system be abolished and replaced with licensed privately owned liquor dealers?**)—Filed April 13, 1982 by Robert J. Corcoran of Puyallup. This initiative was withdrawn and later filed as Initiative to the Legislature No. 78.
- INITIATIVE MEASURE No. 435 (**Shall corporate franchise taxes, measured by net income, replace sales taxes on food and state corporate business and occupation taxes?**)—Filed April 12, 1982 by Dr. James A. McDermott of Seattle. The sponsor submitted 250,285 signatures for checking. The measure was subsequently certified to the ballot. It was submitted to the voters at the November 2, 1982 general election and was rejected by the following vote: **For**—453,221 **Against**—889,091.
- INITIATIVE MEASURE NO. 436 (**Shall most food products be exempt from state and local retail sales and use taxes, effective December 2, 1982?**)—Filed April 16, 1982 by Gregory McDonald of Redmond. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 437 (**Shall the Food Tax Elimination Act of 1982, exempting most food products from retail sales and use taxation be enacted?**)—Filed April 15, 1982 by Stephen Michael and Frank Brunner of Lacey. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 438 (**Shall tuition and fees be reduced, and the legislature set future increases based on a percentage of the educational costs?**)—Filed April 16, 1982 by Dennis Eagle (People for Affordable College Tuition) of Bremerton. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 439 (**Shall county energy allocations in energy emergencies be in direct proportion to the percentage voting against Initiative 394 in 1981?**)—Filed May 5, 1982 by Richard Hastings of Pasco. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 440 (**Shall sellers of home electronic equipment be licensed and commercial repairers of such equipment be required to meet competency standards?**)—Filed April 20, 1982 by Carl E. McDonald of Sunnyside. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 441 (**Shall Initiative 394, requiring voter approval of bonds for major energy project construction or acquisition by public agencies, be repealed?**)—Filed April 27, 1982 by David L. Moore of Richland. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 442 (**Shall the present gambling act be repealed, broader gambling activities authorized, taxes imposed, and certain revenues be dedicated to**

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schools?)—Filed April 30, 1982 by Harry Rowe (Committee for Gambling Taxes for Schools) of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE NO. 443 (**Shall the present gambling act be repealed, broader gambling activities authorized, taxes imposed, and certain revenues be dedicated to schools?**)—Filed May 25, 1982 by Clifford A. Stone of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE NO. 444 (**Shall a tax not to exceed 1% be imposed upon transfers of money or property and present taxes be repealed?**)—Filed January 14, 1983 by Clarence P. Keating of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE NO. 445 (**Shall eligibility for appointment to Game Commission be restricted; fees reduced; and processing of wildlife claims be eliminated?**)—Filed January 14, 1983 by David Littlejohn of Olympia. No signatures were presented for checking.

INITIATIVE MEASURE NO. 446 (**Shall elections be held to approve or disapprove the performance of state agencies designated by petitions signed by 10,000 registered voters?**)—Filed January 31, 1983 by James R. Collier of Silverdale. No signatures were presented for checking.

INITIATIVE MEASURE NO. 447 (**Shall the present Gambling Act be repealed; broader gambling activities authorized; taxes imposed; and certain revenues dedicated to schools?**)—Filed February 14, 1983 by Audrey Stone of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE NO. 448 (**Shall retail sales and use taxes be reduced, the watercraft use tax eliminated, and a penalty for tax nonpayment reduced?**)—Filed February 25, 1983 by Kent Pullen of Kent. This measure refiled as Initiative Measure No. 452.

INITIATIVE MEASURE NO. 449 (**Elimination of WPPSS**)—Filed March 1, 1983 by Theodore A. Mahr of Olympia. This measure refiled as Initiative Measure No. 451.

INITIATIVE MEASURE NO. 450 (**Attorney General declined to prepare a ballot title**)—Filed March 4, 1983 by John A. Kilma of Mercer Island. This measure refiled as Initiative Measure No. 453.

INITIATIVE MEASURE NO. 451 (**Shall laws relating to electrical joint operating agencies be repealed and existing agencies be directed to sell assets and terminate?**)—Filed March 7, 1983 by Theodore Mahr of Olympia. No signatures were presented for checking.

INITIATIVE MEASURE NO. 452 (**Shall the state sales tax be reduced to 4.5% and business and occupation surtaxes and boat excise taxes be repealed?**)—Filed March 11, 1983 by Kent Pullen of Kent. The sponsors submitted 146,689 signatures for checking. Verification was not complete at time of publication.

INITIATIVE MEASURE NO. 453 (**Shall the federal Internal Revenue Service's notices of the Privacy and Paper Work Reduction Acts be, by state law declarations, prohibited?**)—Filed March 21, 1983 by John A. Kilma of Mercer Island. No signatures were presented for checking.

INITIATIVE MEASURE NO. 454 (**Shall abortions, unless necessary to preserve life, be ineligible for state medical aid to categorically needy persons under Title XIX?**)—Filed March 28, 1983 by James L. King, Jr. of Tacoma. No signatures were presented for checking.

INITIATIVE MEASURE NO. 455 (**Shall the state be directed go seek, to require payment in gold of state held securities having a gold clause?**)—Filed January 9, 1984 by Robert Ellison of Seattle. This measure refiled as Initiative Measure No. 461.

***INITIATIVE MEASURE NO. 456 (Shall Congress be petitioned to decommercialize steelhead, and state policies respecting Indian rights and management of natural**

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- resources be enacted?**)—Filed January 13, 1984 by Ellis Lind of Redmond and S/SPAWN. Sponsor submitted 201,188 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was approved by the following vote: **For**—916,855 **Against**—807,825
- INITIATIVE MEASURE NO. 457 (**Shall minimum age requirements by public and private entities be reduced to age 18 except those relating to drinking alcohol?**)—Filed January 9, 1984 by Martin D. Ringhofer of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 458 (**Shall watercraft be taxed on length rather than value and the funds be used for boating safety programs and facilities?**)—Filed January 18, 1984 by Joseph L. Williams of Mercer Island. This measure refiled as Initiative Measure No. 459.
- INITIATIVE MEASURE NO. 459 (**Shall watercraft be taxed on length rather than value and the funds be used for boating safety programs and facilities?**)—Filed January 20, 1984 by Louise Miller of Woodinville. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 460 (**Shall an additional tax be imposed, on beer, liquor, and out-of-state wine, for crime victims, alcohol rehabilitation, enforcement, and education?**)—Filed January 12, 1984 by E.C. Renas of Lynnwood. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 461 (**Shall the state seek to require corporations which issued securities having a gold clause to make payment in gold coin?**)—Filed January 23, 1984 by Robert Ellison of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 462 (**Shall Congress be memorialized to create a space shuttle/energy lottery to increase space travel and achieve energy independence?**)—Filed January 13, 1984 by Jeff Vale of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 463 (**Shall the legislature be directed to petition Congress to either propose a balanced budget constitutional amendment or call a convention?**)—Filed January 24, 1984 by James R. Medley of Seattle. No signatures were presented for checking.
- *INITIATIVE MEASURE NO. 464 (Shall the value of trade-ins of like kind property be excluded from the selling price for the sales tax computation?)**—Filed February 24, 1984 by Eugene A. Prince of Thornton. Sponsor submitted 196,728 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was approved by the following vote: **For**—1,175,781 **Against**—529,560
- INITIATIVE MEASURE NO. 465 (**Shall state sales and business tax rates be reduced and limitations imposed on state general fund spending and tax increases?**)—Filed February 16, 1984 by Kent Pullen of Kent. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 466 (**Shall Nevada type gambling, regulated by the State Gambling Commission, be permitted if approved by voters in cities and counties?**)—Filed February 10, 1984 by Fred M. Ladd of Ocean Shores. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 467 (**Shall a tax not to exceed 1% be imposed upon transfers of money or property and present taxes be repealed?**)—Filed February 14, 1984 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 468 (**Shall real property tax rates be generally limited to one percent of 1975 property tax values, subject to limited adjustments?**)—Filed March 20, 1984 by Martin H. Ottesen of Tacoma. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 469 (**Shall the State Gambling Commission be abolished and the net proceeds of some gambling activities be taxed 25% for schools?**)—Filed March 15, 1984 by Michael J. Kinsley of Seattle. No signatures were presented for checking.
- INITIATIVE MEASURE NO. 470 (**Shall public funding of abortions be prohibited, and state funding required to prevent deaths of unborn children and pregnant women?**)—Filed

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April 2, 1984 by Michael Undseth of Brier. This measure refiled as Initiative Measure No. 471.

INITIATIVE MEASURE NO. 471 (**Shall public funding of abortions be prohibited except to prevent the death of the pregnant woman or her unborn child?**)—Filed April 16, 1984 by Michael Undseth of Brier. Sponsor submitted 162,324 signatures. The measure was subsequently certified to the ballot. Submitted to the voters at the November 6, 1984 general election and was rejected by the following vote: **For**—838,083 **Against**—949,921

INITIATIVE MEASURE NO. 472 (**Regarding federal initiative and referendum powers.**)—Filed June 25, 1984 by Steven A. Panteli of Bellingham. Attorney General declined to write a ballot title because time limit expired.

INITIATIVE MEASURE NO. 473 (**Shall a transaction tax, not to exceed 1%, on transfers of money or property replace present state and local taxes?**)—Filed January 7, 1985 by Clarence P. Keating, Jr. of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE NO. 474 (**Shall property taxes be reduced by deleting taxes previously paid on property now exempt from the 106% tax levy calculation?**)—Filed January 31, 1985 by Orville L. Barnes of Spokane. This measure refiled as Initiative Measure No. 477.

INITIATIVE MEASURE NO. 475 (**Shall Congress be requested to call a constitutional convention solely to propose an amendment providing federal initiative and referendum powers?**)—Filed January 23, 1985 by Steven A. Panteli of Bellingham. No signatures were presented for checking.

INITIATIVE MEASURE NO. 476 (**Shall denturists be licensed by the state and permitted to supply dentures to people without written directives from a dentist?**)—Filed February 25, 1985 by Eldo Al Hohman of Seattle. No signatures were presented for checking.

INITIATIVE MEASURE NO. 477 (**Shall maximum permissible regular property tax levies be reduced by excluding inventory taxes, and voter-approved taxes from the 106% limitation?**)—Filed March 14, 1985 by Orville L. Barnes of Spokane. No signatures were presented for checking.

INITIATIVE MEASURE NO. 478 (**Shall a transaction tax, not to exceed 1%, on transfers of money or property replace present state and local taxes?**)—Filed January 6, 1986 by Clarence P. Keating, Jr. of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 479 (**Shall state and local governments be prohibited from funding abortion services unless they are necessary to preserve the woman's life?**)—Filed January 6, 1986 by Michael Undseth of Lynnwood. The sponsors submitted 173,858 signatures for checking and they were found insufficient to qualify the measure for the state general election ballot.

INITIATIVE MEASURE NO. 480 (**Regarding the publishing of names of victims of sexual attack.**)—Filed January 6, 1986 by Philip A. Hamlin of Shelton. This measure refiled as Initiative Measure No. 481.

INITIATIVE MEASURE NO. 481 (**Shall news media identifying victims, witnesses, or those accused, of sex crimes be fined unless law enforcement has requested disclosure?**)—Filed January 14, 1986 by Philip A. Hamlin of Shelton. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 482 (**Shall more out-of-state licensed motor vehicles be required to obtain Washington licenses and the penalties imposed for non-compliance be increased?**)—Filed January 6, 1986 by M. Anders Tronsen of Duvall. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 483 (**Shall the 55 m.p.h. speed limit adopted for energy conservation be rescinded and higher speed limits be established as appropriate?**)—Filed January 7, 1986 by DeAnn Pullar of Bellingham. Sponsor failed to submit signatures

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for checking.

INITIATIVE MEASURE NO. 484 (**Shall the state owned liquor stores be permanently closed and grocery stores and other outlets be licensed to sell liquor?**)—Filed January 10, 1986 by Russell J. McCurdy of Seattle. This measure was refiled as Initiative Measure No. 487.

INITIATIVE MEASURE NO. 485 (**Shall the state be directed to submit a notice to Congress disapproving designation of a Washington nuclear waste repository site?**)—Filed January 28, 1986 by Patricia Anne Herbert of Seattle. This measure was withdrawn by the sponsor.

INITIATIVE MEASURE NO. 486 (**Shall new taxes or increases in tax rates require a two-thirds vote by the governing body of the taxing authority?**)—Filed January 29, 1986 by Don Jewett of Langley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 487 (**Shall state liquor stores, and state wholesaling of liquor, be discontinued and qualified grocery stores be licensed to sell liquor?**)—Filed February 2, 1986 by Russell J. McCurdy of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 488 (**Shall the state ferry system be managed by three full-time commissioners who will set ferry fares, staffing levels, and wages?**)—Filed February 3, 1986 by Winfred P. Williams of Bainbridge Island. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 489 (**Shall the legislature submit a constitutional amendment requiring voter approval of new taxes and full funding of state retirement systems?**)—Filed February 11, 1986 by James L. King, Jr. of Tacoma. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 490 (**Shall knowingly employing, in certain jobs, persons having preferences for or orientation toward conduct defined as sexually deviant, be prohibited?**)—Filed February 21, 1986 by Glen Dobbs, of Chehalis. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 491 (**Shall the minimum disability retirement allowance for Washington Public Employees' Retirement System members be sufficient to pay for medical insurance?**)—Filed February 14, 1986 by Winfred P. Williams of Bainbridge Island. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 492 (**Shall disability retirees under the Washington Public Employees' Retirement System be exempt from paying state recreational use and entry fees?**)—Filed February 14, 1986 by Winfred P. Williams of Bainbridge Island. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 493 (**Shall the legislature be statutorily prohibited from increasing taxes or imposing new taxes unless approved by 60% of each house?**)—Filed March 11, 1986 by G. Robert Williams of Longview. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 494 (**Shall state bonds be issued to raise funds for consumer grants to be deposited in banks for qualified registered voters?**)—Filed March 24, 1986 by Steven A. Tracy of Longview. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 495 (**Shall hazardous waste laws be amended to broaden state cleanup enforcement authority, increase and impose fees and specify strict liability?**)—Filed April 24, 1986 by Pam Crocker-Davis of Lacey. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 496 (**Shall certain excise taxes imposed in lieu of property taxes be limited to one percent of true and fair value?**)—Filed on January 5, 1987 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 497 (**Shall constitutional impact statements reflecting**

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constitutional compliance or noncompliance be required to accompany all bills introduced in the state legislature?)—Filed on January 5, 1987 by John A. Klima of Issaquah. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 498 (**Shall approval by two-thirds of a governing body be required for new taxes, tax rate increases, or tax base enlargement?**)—Filed on January 9, 1987 by D.E. Jewett of Langley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 499 (**Shall maximum tax rates on real and personal property be reduced and a new maximum include voter approved tax levies?**)—Filed on January 23, 1987 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 500 (**Shall a transaction tax, not to exceed 1% on transfers of money or property replace present state and local taxes?**)—Filed on January 20, 1987 by Clarence P. Keating, Jr. of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 501 (**Shall the statutory maximum tax per gallon on motor vehicle fuels be reduced to a 15 cents per gallon maximum?**)—Filed on January 28, 1987 by Cecil F. Herman of Olympia. Sponsored failed to submit signatures for checking.

INITIATIVE MEASURE NO. 502 (**Shall the state law which requires the driver and passengers of a motor vehicle to use safety belts be repealed?**)—Filed on February 9, 1987 by Donald T. Adsitt of Kennewick. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 503 (**Shall motor vehicle owners and operators be required to maintain vehicle liability insurance and submit proof thereof to license vehicles?**)—Filed on February 13, 1987 by William D. Smith of Cashmere. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 504 (**Shall individuals' net worth be taxed except for current bonded indebtedness be eliminated, and other taxes be reduced?**)—Filed on March 17, 1987 by Meta Heller of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 505 (**Shall individuals' and trusts' net worth be taxed, not property except for current bonded indebtedness, and other taxes be reduced?**)—Filed on March 27, 1987 by Meta Heller of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 506 (**Shall the State conduct a March presidential preference primary for major political party candidates and certain election statutes be changed?**)—Filed on May 12, 1987 by Eddie Rye, Jr. of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 507 (**Shall motor vehicle liability insurance be required to drive in this state and proof of insurance submitted to license vehicles?**)—Filed on January 12, 1988 by William D. Smith of Cashmere. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 508 (**Shall the maximum for property tax rates be reduced and a maximum established to include tax levies approved by voters?**)—Filed on January 8, 1988 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 509 (**Shall the first \$150,000 of each piece of property's assessed valuation be exempt from the payment of the property taxes?**)—Filed on January 15, 1988 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 510 (**Shall a two-thirds vote of approval be required to impose new taxes, increase tax rates, or enlarge the tax base?**)—Filed on January 12, 1988 by D. E. Jewett of Langley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 511 (**Shall the 106% levy lid limiting the amount taxing districts can levy as regular property taxes be reduced to 98%?**)—Filed on January 21, 1988 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 512 (**Shall state and local tax rates, fees, fines and other charges**

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- be stabilized then reduced 2% annually for five years?)**—Filed on January 11, 1988 by Judith Anderson of Brush Prairie. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 513 Filed on January 19, 1988 by Michael P. Shanks of Seattle. Measure was refiled as Initiative No. 514.
- INITIATIVE MEASURE NO. 514 (**Shall household and local commercial movers be exempted from rate and service area regulation by the Utilities and Transportation Commission?**)—Filed on February 11, 1988 by Michael P. Shanks of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 515 (**Shall the January state holiday which celebrates the birth of Martin Luther King, Jr. be officially designated "Civil Rights Day"?**)—Filed on February 10, 1988 by Brian Burgett of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 516 (**Shall a transaction tax, not to exceed 1%, on transfers of money or property replace present state and local taxes?**)—Filed on March 4, 1988 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 517 (**Shall the state operate waste dumpsites and a Hanford facility, require separation of recyclable refuse, and regulate all garbage collectors?**)—Filed on March 9, 1988 by Michael P. Shanks of Seattle. Sponsor failed to submit signatures for checking.
- *INITIATIVE MEASURE NO. 518 (Shall the state minimum wage increase from \$2.30 to \$3.85 (January 1, 1989) and then to \$4.25 (January 1, 1990) and include agricultural workers?)**—Filed on March 21, 1988 by Jennifer Belcher of Olympia and Art Wang of Tacoma. The sponsors submitted 300,900 signatures for checking. The measure was subsequently certified to the ballot and was submitted to the voters at the November 8, 1988 general election. It was approved by the following vote: **For**—1,354,454; **Against**—414,926.
- INITIATIVE MEASURE NO. 519 (**Shall continued frequent contacts with both parents be the most important factor considered by a court in determining child custody?**)—Filed on March 3, 1988 by Dan D. Milne of Spokane. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 520 (**Shall blood donors, in a voluntary noncompensatory blood donation program, have the right to designate the recipient of their blood?**)—Filed on March 29, 1988 by Richard E. Woodrow of Lynnwood. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 521 (**Shall active members of the Washington State Bar Association be ineligible to serve as a state legislative representative or senator?**)—Filed on March 29, 1988 by Eugene Goosman of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 522 Filed on March 24, 1988 by James K. Linderman of Yacolt. Measure was refiled as Initiative to the Legislature No. 101.
- INITIATIVE MEASURE NO. 523 (**Shall a two-thirds vote of approval be required to impose new taxes, increase tax rates, or enlarge the tax base?**)—Filed on January 9, 1989 by D. E. Jewett of Langley. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 524 (**Shall the state expand the definition of child pornography, restrict display of materials, and limit defenses to sexual exploitation charges?**)—Filed on January 10, 1989 by Andrea K. Vangor of Kirkland. The sponsor submitted 163,670 signatures for checking and they were found insufficient to qualify the measure for the state general election ballot.
- INITIATIVE MEASURE NO. 525 (**Shall the first \$100,000 of the assessed value of each piece of**

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- property be exempt from payment of property taxes?)**—Filed on January 9, 1989 by Frank D. Parsons of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 526 (**Shall tax, fee and fine rates be reduced 2% annually for five years and new taxes require two-thirds voter approval?**)—Filed on January 23, 1989 by Judith Anderson of Vancouver. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 527 (**Shall a transaction tax, not exceeding 1% on the transfers of money or property, replace present state and local taxes?**)—Filed on January 18, 1989 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 528 (**Shall state laws relating to child custody be revised emphasizing frequent contact with each parent and each having equal custody?**)—Filed on January 18, 1989 by Dan Milne of Spokane. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 529 (**Shall blood donors, in a voluntary noncompensatory blood donation program, have the right to designate the recipient of their blood?**)—Filed on February 16, 1989 by Richard E. Woodrow of Lynnwood. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 530 Filed on April 13, 1989 by Lyle Bates of Spanaway. Measured was refiled as Initiative to the People No. 531.
- INITIATIVE MEASURE NO. 531 (**Shall business donations for child services, benefiting those with income below 200% of federal poverty guidelines, receive state tax credits?**)—Filed on April 26, 1989 by Lyle Bates of Spanaway. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 532 (**Shall the 1989 Omnibus Alcohol and Controlled Substances Act be repealed, penalties revised for supplying minors, and some marihuana legalized?**)—Filed on May 10, 1989 by Michael Shanks of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 533 (**Shall child custody laws be revised and court custody orders normally direct equal continued and frequent contacts with each parent?**)—Filed on January 8, 1990 by Bill Harrington of Edmonds. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 534 (**Shall the display and distribution to minors of sexually explicit materials and performances be further restricted, and criminal defenses limited?**)—Filed on January 9, 1990 by Andrea K. Vangor of Kirkland. The sponsor submitted 180,373 signatures for checking and they were found insufficient to qualify the measure for the state general election ballot.
- INITIATIVE MEASURE NO. 535 (**Shall property value for tax purposes be, the January 1, 1985 value or subsequent sale price, revised annually reflecting cost of living?**)—Filed on January 9, 1990 by Marijcke V. Clapp of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 536 (**Shall minimum sentences ranging from five to forty years be established for each of twenty-one crimes listed in this initiative?**)—Filed on January 19, 1990 by Thomas R. Connon of Tacoma. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 537 (**Shall a transaction tax, not to exceed 1%, on transfers of money and property replace present state and local taxes?**)—Filed on January 22, 1990 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 538 (**Shall political contributions be limited regarding amount, timing and residency of contributors, and elected officials restricted on mailings and honoraria?**)—Filed on January 29, 1990 by Robert E. Adams of Bellevue. Sponsor failed to submit signatures for checking.

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- INITIATIVE MEASURE NO. 539 (**Shall a two-thirds vote of approval be required to impose new taxes, increase tax rates, or enlarge a tax base?**)—Filed on January 26, 1990 by D. E. Jewett of Langley. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 540 (**Shall the state be required to include in the medicaid program coverage for chiropractic services?**)—Filed on January 22, 1990 by Roxanne Dubarry of Everett. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 541 (**Shall the state and local tax levies on buildings be limited to a maximum of 50% of the current tax rate?**)—Filed on February 5, 1990 by Charles Caussey of Spokane. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 542 (**Shall the reappraisal of real property for property tax purposes only occur when ownership changes or building construction is completed?**)—Filed on February 23, 1990 by Gary C. Hoyt of Vashon Island. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 543 (**Relating to state fiscal matters.**)—Filed on March 8, 1990 by Linda W. Matson of Olympia. The initiative was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 544 (**Relating to state fiscal matters.**)—Filed on March 8, 1990 by John H. Wright of Elma. The initiative was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 545 (**Relating to comprehensive land use planning and economic development.**)—Filed on March 15, 1990 by David A. Bricklin of Seattle. The initiative was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 546 (**Relating to fiscal matters.**)—Filed on March 26, 1990 by Linda W. Matson of Olympia. The initiative was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 547 (**Shall state growth and environmental protection goals be implemented by measures including local comprehensive land use planning and development fees?**)—Filed on March 27, 1990 by Jeffrey D. Parsons of Seattle. 229,489 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 6, 1990 general election. It was defeated by the following vote: **For**—327,339; **Against**—986,505.
- INITIATIVE MEASURE NO. 548 (**Shall some state revenues be placed in reserve and 60% legislative approval required for new or increased general revenue taxes?**)—Filed on March 29, 1990 by Linda W. Matson of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 549 (**Shall state growth and environmental protection goals be implemented by measures including local comprehensive land use planning and development fees?**)—Filed on March 29, 1990 by Theodore A. Mahr of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 550 (**Relating to managing growth and economic development.**)—Filed on March 29, 1990 by Theodore A. Mahr of Olympia. The initiative was withdrawn by the sponsor.
- INITIATIVE MEASURE NO. 551 (**Shall changes be made relating to real property taxes, including valuing property by its purchase price and costs of improvements?**)—Filed on April 30, 1990 by Karl Thun of Graham. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 552 (**Shall limitations be placed on political campaign contributions and contributors, consecutive terms of office, publicly funded incumbent mailings, and honoraria?**)—Filed on January 17, 1991 by Robert E. Adams of Bellevue. The measure was refiled as Initiative to the People No. 555.
- INITIATIVE MEASURE NO. 553 (**Shall there be limitations on terms of office for Governor, Lieutenant Governor, state legislators and Washington state members of Congress?**)—Filed on January 9, 1991 by Gene J. Morain of Tacoma. 254,263 signatures were submitted

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and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 5, 1991 general election. It was defeated by the following vote: **For**—690,828 **Against**—811,686.

INITIATIVE MEASURE NO. 554 (**Shall the display and distribution to minors of sexually explicit materials and performances be further restricted, and criminal defenses limited?**)—Filed on January 10, 1991 by Andrea K. Vangor of Kirkland. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 555 (**Shall limits be placed on campaign contributions and contributors, consecutive terms of office, publicly funded incumbent mailings, gifts, and honoraria?**)—Filed on January 17, 1991 by Robert E. Adams of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 556 (**Shall the first \$1,000,000 of appraised value of residential property, and \$2,000,000 for farm residences, be exempt from property taxes?**)—Filed on January 8, 1991 by David S. Henshaw of Belfair. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 557 (**Shall campaign expenditures be limited to 50% of the elected office term salary and violations result in forfeiture of office?**)—Filed on January 22, 1991 by Douglas N. Maynard of Sedro Woolley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 558 (**Shall a limit, three consecutive terms or twelve consecutive years, be set for elected national, state, county, and municipal officers?**)—Filed on January 22, 1991 by Douglas N. Maynard of Sedro Woolley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 559 (**Shall property value for tax purposes be the January 1, 1985 value or subsequent sales price, adjusted for cost of living changes?**)—Filed on January 23, 1991 by Marijcke Clapp of Seattle. 276,653 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 5, 1991 general election. It was defeated by the following vote: **For**—592,391 **Against**—869,626.

INITIATIVE MEASURE NO. 560 (**Shall abortion laws be revised, restricting availability, requiring tests and reports, and prohibiting public funding unless necessary to save life?**)—Filed on January 17, 1991 by Paul Keister of Pasco. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 561 (**Shall a transaction tax, not exceeding 1% be levied on money and property transfers, and present state taxes be repealed?**)—Filed on January 22, 1991 by Clarence P. Keating, Jr. of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 562 (**Shall a two-thirds vote of approval be required to impose new taxes, increase tax rates, or enlarge a tax base?**)—Filed on January 29, 1991 by Don E. Jewett of Langley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 563 (**Shall elected and appointed state legislative and executive branch officials be limited to serving a cumulative maximum of twelve years?**)—Filed on February 11, 1991 by Eric McAtee of Tacoma. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 564 (**Shall Washington residents elected to Congress have a lifetime limit of not more than twelve years of elected congressional service?**)—Filed on February 11, 1991 by Craig A. McMillan of Tacoma. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 565 (**Shall the state be required to include chiropractic services in the medical service assistance program available under the medicaid program?**)—Filed on January 17, 1991 by Roxanne Lea Dubarry of Everett. Sponsor failed to submit

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signatures for checking.

INITIATIVE MEASURE NO. 566 (**Shall campaign spending, for offices subject to the state public disclosure act, be limited to the office term's total salary?**)—Filed on February 8, 1991 by Edward M. Duke of Gig Harbor. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 567 (**Shall it be unlawful after life is created by conception to intentionally hasten or cause death except for capital punishment?**)—Filed on February 25, 1991 by Mary L. Jarrard of Everett. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 568 (**Shall pit bull dog owners be required to register, confine, and insure the dogs and remove newborns from the state?**)—Filed on February 25, 1991 by Laurence C. Mathews of Yakima. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 569 (**Shall Utilities and Transportation regulate some medical service rates, some political contributions be prohibited, and motorcycle helmet requirements be changed?**)—Filed on February 28, 1991 by Jack Zektzer of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 570 (**Shall the state dangerous dog act be amended to require hearings and restrict the regulatory authority of cities and counties?**)—Filed on March 4, 1991 by Cherie R. Graves of Newport. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 571 (**Shall contributions to state legislative and executive campaigns be limited; and may candidates agreeing to expenditure limitations receive matching funds?**)—Filed on May 15, 1991 by Calvin B. Anderson of Seattle. The initiative was withdrawn by the sponsor.

INITIATIVE MEASURE NO. 572 (**Shall cannabis (marijuana) be legalized for adults; amnesty provided for prior cannabis convictions, tax imposed, and provide liquor board regulation?**)—Filed on May 15, 1991 by Kevin Clark Keyes of Bellingham. Sponsor failed to submit signatures for checking.

***INITIATIVE MEASURE NO. 573 (Shall candidates for certain offices, who have already served for specified time periods in those offices, be denied ballot access?)**—Filed on January 3, 1992 by Sherry Bockwinkel of Tacoma. 206,685 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 3, 1992 general election. It was approved by the following vote: **For—1,119,985 Against—1,018,260.**

INITIATIVE MEASURE NO. 574 (**Shall a transaction tax, not exceeding 1%, be charged on property and money transfers; and state authorized taxes be repealed?**)—Filed on January 3, 1992 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 575 (**Shall sales and distribution of condoms be prohibited on public school property; and schools teach and encourage abstinence and monogamy?**)—Filed on January 9, 1992 by J. M. O'Sullivan of Sultan. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 576 (**Shall cannabis (marijuana) be taxed and legalized for adults; amnesty provided for prior cannabis convictions and cannabis testing be prohibited?**)—Filed on January 13, 1992 by Kevin Clark Keyes of Bellingham. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 577 (**Shall horse racing statutes be amended including polygraph tests for jockeys, owners, trainers, ticket sellers, and prohibiting some betting combinations?**)—Filed on January 7, 1992 by Randy Baker of Tacoma. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 578 (**Shall the death penalty and the requirement that all female felons be committed to the women's correctional institution be abolished?**)—Filed on

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January 7, 1992 by Randy Baker of Tacoma. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 579 (**Shall pit bull dog owners be required to register, confine, and insure those dogs and remove newborns from the state?**)—Filed on January 21, 1992 by L. C. Mathews of Yakima. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 580 (**Shall defendants in many court proceedings commenced by government have a right to jury trial with substantially expanded jury authority?**)—Filed on January 21, 1992 by Kevin Clark Keyes of Bellingham. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 581 (**Shall cannabis be available by prescriptions and the Agriculture director regulate hemp growers and distribution of industrial grade cannabis?**)—Filed on January 22, 1992 by Bryan Estes of Bellingham. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 582 (**Shall political campaign contributions be limited and state and legislative candidates agreeing to campaign spending limits be permitted larger contributions?**)—Filed on January 23, 1992 by Margaret Colony of Bellevue. The sponsor submitted 151,601 signatures for checking and they were found insufficient to qualify the measure for the 1992 general election ballot.

INITIATIVE MEASURE NO. 583 (**Shall the Legislature be directed to vote on whether Washington should request Congress to propose a balanced budget constitutional amendment?**)—Filed on February 4, 1992 by Dianne E. Campbell of Woodinville. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 584 (**Shall the requirements to use motorcycle helmets and seatbelts be repealed and hunters not be required to wear orange clothing?**)—Filed on February 27 by Patrick M. Crawford of Littlerock. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 585 (**Shall the 1990 and 1991 Growth Management Acts be repealed; and limits imposed on state and local government land controls?**)—Filed on February 27, 1992 by Patrick M. Crawford of Littlerock. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 586 (**Shall persons charged with drug crimes have their property seized and receive 50 year sentences; and needle exchange programs prohibited?**)—Filed on February 27, 1992 by Patrick M. Crawford of Littlerock. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 587 (**Relating to growth management.**)—Filed on March 17, 1992 by J. M. O'Sullivan of Sultan. The initiative was withdrawn by the sponsor.

INITIATIVE MEASURE NO. 588 (**Shall the 1990 and 1991 State Growth Management Acts, which provide requirements for local comprehensive land use planning, be repealed?**)—Filed on March 18, 1992 by J. M. O'Sullivan of Sultan. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 589 (**Shall spending limits, adjusted by inflation and population; revision of property values for tax purposes; and other changes be approved?**)—Filed on March 9, 1992 by Barbara M. Lindsay of Redmond. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 590 (**Shall criminals who are convicted of "most serious offenses" on three occasions be sentenced to life in prison without parole?**)—Filed on March 24, 1992 by John Carlson of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 591 (**Shall public officials and employees be civilly and criminally liable for loss of state trust land or trust asset values?**)—Filed on May 15, 1992 by Patrick

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A. Parrish of Trout Lake. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 592 (**Shall the State Auditor be required to audit all state trust lands and assets to determine if losses have occurred?**)—Filed on May 15, 1992 by Patrick A. Parrish of Trout Lake. Sponsor failed to submit signatures for checking.

***INITIATIVE MEASURE NO. 593 (Shall criminals who are convicted of "most serious offenses" on three occasions be sentenced to life in prison without parole?)**—Filed on January 6, 1993 by Ida Ballasiotes of Mercer Island. 290,613 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 2, 1993 general election. It was approved by the following vote: **For**—1,135,521 **Against**—364,567.

INITIATIVE MEASURE NO. 594 (**Shall all present state and local taxes be repealed, and replaced with a flat-rate tax system on transfers of property?**)—Filed on January 6, 1993 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 595 (**Shall the sale and use of cannabis (marijuana) be permitted and regulated in places where minors do not have access?**)—Filed on January 5, 1993 by Wayne H. Nelson of Renton. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 596 (**Shall State law be amended to permit persons to burn wood in homes at any time, regardless of air conditions?**)—Filed on January 19, 1993 by Ralph E. Miller of Lynnwood. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 597 (**Shall a commission approved by the proponent be created to define goals and lawful conduct for elected and appointed officials?**)—Filed on January 25, 1993 by Forrest E. Owens of Burley. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 598 (**Shall alcohol sale be regulated to prohibit "happy hours" and limit the amount of alcohol served in any one drink?**)—Filed on February 19, 1993 by Brian Venable of Tacoma. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 599 (**Shall the state rate, review and compensate public and private education providers selected solely by the parents of school-age children?**)—Filed on February 19, 1993 by Craig L. Williams of Richland. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 600 (**Shall candidates for state and federal office be limited to two consecutive terms, unless they win more terms by write-in?**)—Filed on February 19, 1993 by Craig L. Williams of Richland. Sponsor failed to submit signatures for checking.

***INITIATIVE MEASURE NO. 601 (Shall state expenditures be limited by inflation rates and population growth, and taxes exceeding the limit be subject to referendum?)**—Filed on March 5, 1993 by Gregory J. Seifert of Vancouver. 249,707 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and submitted to the voters at the November 2, 1993 general election. It was approved by the following vote: **For**—774,342 **Against**—737,735.

INITIATIVE MEASURE NO. 602 (**Shall state revenue collections and state expenditures be limited by a factor based on personal income, and certain revenue measures repealed?**)—Filed on March 3, 1993 by Margaret Johnson of Olympia. 440,160 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 2, 1993 general election. It was defeated by the following vote: **For**—673,378 **Against**—836,047.

INITIATIVE MEASURE NO. 603 (**Shall persons under age 18 be required to maintain at least a 3.0 grade average to keep their driver's licenses?**)—Filed on February 26, 1993 by John C. Hawthorne of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 604 (**Shall attorneys be required to submit fee disputes to citizen settlement, and be restrained from running for certain public offices?**)—Filed on March

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10, 1993 by Patrick M. Crawford of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 605 (**Shall all present state and local taxes be repealed, and replaced with a flat rate tax on transfers of property?**)—Filed on January 10, 1994 by Clarence P. Keating of Seattle. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 606 (**Shall laws on legislative lobbying, pensions, party caucuses, and campaigning be revised, and the legislature be subject to the public records and open meetings acts?**)—Filed on January 10, 1994 by Shawn Newman of Olympia. The sponsor failed to submit signatures for checking.

*INITIATIVE MEASURE NO. 607 (**Shall persons other than dentists be licensed to make and sell dentures to the public, as regulated by a new state board of denture technology?**)—Filed on January 10, 1994 by Vallan Charron of Puyallup. 241,228 signatures were submitted and found sufficient. The measure was subsequently certified and submitted to the voters at the November 8, 1994 general election. It was approved by the following vote: **For—955,960 Against—703,619.**

INITIATIVE MEASURE NO. 608 (**Shall government be prohibited from according rights or protections based on sexual orientation, and schools from presenting homosexuality as acceptable?**)—Filed on January 10, 1994 by Gail L. Yenne of Tacoma. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 609 (**Shall campaign contributions be permitted only from voters, and new restrictions be placed on the use of campaign funds, and shall Initiative 134 be repealed?**)—Filed on January 12, 1994 by Robert E. Adams of Bellevue. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 610 (**Shall rights based on homosexuality, homosexuals' custody of their own or other children; and governmental approval of homosexuality be prohibited?**)—Filed on January 10, 1994 by Samuel P. Woodard, Sr. of Ariel. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 611 (**Shall informed consent for abortions be defined and required, a 24 hour waiting period imposed, and related criminal penalties created?**)—Filed on January 13, 1994 by Matthew W. Aamot of Bellingham. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 612 (**Relating to making Washington a multi-cultural state.**)—Filed on January 10, 1994 by Geoffrey Noah Vasil of Lacey. The Attorney General declined to prepare a ballot title.

INITIATIVE MEASURE NO. 613 (**Shall persons other than minors be permitted to grow, sell, and use cannabis (marijuana) as licensed, taxed, and regulated by a new cannabis control board?**)—Filed on January 13, 1994 by Warren J. Nolze of Seattle. The sponsor refiled the measure as Initiative Measure No. 622.

INITIATIVE MEASURE NO. 614 (**Shall one million dollars in state funds be set aside to pay for embryo transfers as an alternative to abortion?**)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 615 (**Shall lobbyists be required to obtain one million dollar licenses, and shall employees be entitled to leave for legislative testimony?**)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 616 (**Shall all persons be required to take a firearm safety course before purchasing firearms, or be subject to a penalty?**)—Filed on January 26, 1994 By David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 617 (**Shall fines be assessed on a sliding scale, based on the**

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- convicted person's income and the seriousness of the offense?—**Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 618 (**Relating to school levies.**)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The Attorney General declined to prepare a ballot title.
- INITIATIVE MEASURE NO. 619 (**Relating to amendments to legislative bills.**)—Filed on January 26, 1994 by David S. Henshaw of Belfair. The Attorney General declined to prepare a ballot title.
- INITIATIVE MEASURE NO. 620 (**Shall vehicles no longer be required to have license tabs, and the gas tax be increased to replace lost revenue?—**Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 621 (**Shall all employees be entitled to increased hourly premium wages for work performed at night, or on Saturday or Sunday?—**Filed on January 26, 1994 by David S. Henshaw of Belfair. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 622 (**Shall persons other than minors be permitted to grow and sell cannabis (marijuana) as regulated by a cannabis control board?—**Filed on February 11, 1994 by Warren J. Nolze of Seattle. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 623 (**Shall new limitations and conditions be placed on public assistance to families, and certain grandparents be obligated for child support?—**Filed on February 8, 1994 by David R. Mortenson of Kent. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 624 (**Shall the business activity tax be reduced for certain businesses, and shall some businesses be exempted from paying this tax?—**Filed on February 18, 1994 by Corrie Bender of Kent. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 625 (**Shall persons convicted of certain offenses be required to serve full sentences in total confinement, without possibility of early release?—**Filed on February 11, 1994 by Bruce Wilson McKay of Tacoma. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 626 (**Shall regulation of private property be restricted, and certain reductions in value be newly defined as takings which require compensation?—**Filed on February 25, 1994 by Daniel Wayne Wood of Hoquiam. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 627 (**Shall the licensing department implement a motorcycle awareness program, paid for by twenty percent of all existing motorcycle license fees?—**Filed on March 3, 1994 by Gary W. Lawson of Lacey. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 628 (**Shall persons under eighteen be restricted in obtaining driver's licenses or employment, unless they keep a certain grade point average?—**Filed on February 23, 1994 by John C. Hawthorne of Olympia. This measure refiled as Initiative Measure No. 636.
- INITIATIVE MEASURE NO. 629 (**Relating to public schools & youth violence prevention.**)—Filed March 4, 1994 by Thomas G. Erickson of Seattle. This measure refiled as Initiative Measure No. 635.
- INITIATIVE MEASURE NO. 630 (**Shall public officers and certain businesses be prohibited from harassing or discriminating against targets of the national security agency?—**Filed on March 15, 1994 by Elizabeth Patrick of Spokane. The sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 631 (**Shall the use of state, county, city, or town funds to fund the**

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national security agency be prohibited?)—Filed on March 15, 1994 by Elizabeth Patrick of Spokane. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 632 (**Shall laws concerning possession of firearms, juvenile court jurisdiction, and sentences for drive-by shootings and certain other crimes be revised?**)—Filed on March 30, 1994 by James L. King, Jr. of Tacoma. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 633 (**Shall juvenile justice and child labor laws be revised, and juvenile programs funded with revenue from specified fees and taxes?**)—Filed on March 30, 1994 by James L. King, Jr. of Tacoma. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 634 (**Shall state agency commercial activity, rulemaking, staffing, contracting, and lobbying be limited, and \$100 million appropriated for prisons and safety?**)—Filed on March 30, 1994 by Linda A. Smith of Vancouver. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 635 (**Shall the establishment of public charter schools to serve at-risk youth be authorized, and \$250 million appropriated for this program?**)—Filed on March 30, 1994 by Thomas G. Erickson of Seattle. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 636 (**Shall minors be limited to a conditional drivers' license, and shall minors with good grades be permitted to work more hours?**)—Filed on April 6, 1994 by John C. Hawthorne of Olympia. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 637 (**Shall state laws on property ownership, property tax collection, and vehicle licensing be revised and vehicle excise taxes be removed?**)—Filed on May 12, 1994 by David Nibarger of Spokane. The sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 638 (**Shall a transaction tax, not exceeding 1%, be charged on property and money transfers; and state authorized taxes be repealed?**)—Filed on January 9, 1995 by Clarence P. Keating of Seattle.

INITIATIVE MEASURE NO. 639 (**Shall the state be required to establish state-operated facilities for care of all children who are abandoned, abused, or neglected?**)—Filed on January 9, 1995 by Jim D. Whittenburg of Olympia.

INITIATIVE MEASURE NO. 640 (**Shall state fishing regulations ensure certain survival rates for nontargeted catch, and commercial and recreational fisheries be prioritized?**)—Filed on January 9, 1995 by Frank Haw of Olympia.

INITIATIVE MEASURE NO. 641 (**Relating to Philadelphia II.**)—Filed on January 9, 1995 by Robert B. Adkins of Tacoma.

INITIATIVE MEASURE NO. 642 (**Shall school district voters be authorized to adopt deregulated systems of education delivery, and state education appropriations fixed by formula?**)—Filed on January 9, 1995 by James & Fawn Spady of Seattle.

INITIATIVE MEASURE NO. 643 (**Relating to property taxes.**)—Filed on January 9, 1995 by Donald Carter of Olympia. This measure refiled as Initiative Measure No. 650.

INITIATIVE MEASURE NO. 644 (**Shall government be prohibited from placing children for adoption or foster care with any homosexuals or with cohabiting unmarried partners?**)—Filed on January 9, 1995 by Samuel P. Woodard, Sr. of Ariel.

INITIATIVE MEASURE NO. 645 (**Shall most laws regulating firearms be repealed, including laws relating to concealed pistols, machine guns, and short-barreled rifles or shotguns?**)—Filed on January 9, 1995 by Samuel P. Woodard, Sr. of Ariel.

INITIATIVE MEASURE NO. 646 (**Shall the state property tax levy for schools be reduced in**

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stages over three years, and then eliminated?)—Filed on January 20, 1995 by Jim D. Whittenburg of Seattle.

INITIATIVE MEASURE NO. 647 (**Shall the members of the state utilities and transportation commission be elected, and their regulatory responsibilities extended to new fields?**)—Filed on January 11, 1995 by Carl Sperr of Spokane.

INITIATIVE MEASURE NO. 648 (**Shall laws be revised concerning state citizenship, property ownership, travel rights, competency certificates, taxation, licenses, public officers, courts, and legislation?**)—Filed on January 23, 1995 by David L. Nibarger of Spokane.

INITIATIVE MEASURE NO. 649 (**Shall most of the 1993 Health Care Act be repealed, and replaced with insurance modifications and health care savings accounts?**)—Filed on January 19, 1995 by Jerome A. Blome of Kent.

INITIATIVE MEASURE NO. 650 (**Shall taxes on property used as the owner's principal residence be limited, and property assessment be based on "adjusted value"?**)—Filed on February 10, 1995 by Donald Carter of Olympia.

INITIATIVE MEASURE NO. 651 (**Shall the state enter into compacts with Indian tribes providing for unrestricted gambling on Indian lands within the state's borders?**)—Filed on February 28, 1995 by John Kieffer of Fruitland.

INITIATIVE MEASURE NO. 652 (**Shall juveniles aged thirteen or more charged with crime while in the possession of a weapon be tried as adults?**)—Filed on March 10, 1995 by Richard E. Woodrow of Lynnwood.

INITIATIVE MEASURE NO. 653 (**Shall public school, health care and assistance officials report "apparent illegal aliens" to INS and deny them education and services?**)—Filed on April 7, 1995 by Karen E. Small of LaConner.

INITIATIVE MEASURE NO. 654 (**Shall government be prohibited from placing children for adoption or foster care with any "person who practices right-wing fundamentalist Christianity"?**)—Filed on June 1, 1995 by William S. Humphrey of Seattle.

***INITIATIVE MEASURE NO. 655 (Shall it be a gross misdemeanor to take, hunt, or attract black bears with bait, or to hunt bears, cougars, bobcat or lynx with dogs?)**—Filed on January 5, 1996 by Joseph F. Scott of Seattle. 228,148 signatures were submitted and found sufficient. The measure was subsequently certified and submitted to the voters at the November 5, 1996 general election. It was approved by the following vote: **For**—1,387,577 **Against**—815,385.

INITIATIVE MEASURE NO. 656 (**Shall pit bull dogs be defined as "potentially dangerous," and subjected to strict requirements for registration, secure enclosures, leashes, collars, warning signs, bonds, and vaccinations?**)—Filed on January 5, 1996 by Laurence C. Mathews of Yakima. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 657 (**Shall taxes on property used as the owner's principal residence be limited, state taxes on such properties be eliminated, and assessment based on "adjusted value"?**)—Filed on January 5, 1996 by Donald W. Carter of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 658 (**Shall an office of state inspector general be created to investigate complaints of malfeasance or abuse by government agencies and business licensees?**)—Filed on January 5, 1996 by Mx. T. Englerius of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 659 (**Shall the use of gill nets and certain other net fishing gear be prohibited, and release of accidentally caught out-of-season fish be required?**)—Filed on January 17, 1996 by Robert I. Keating of Freeland. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 660 (**Shall the state and its counties, cities and towns be**

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prohibited from appropriating any funds to support the national security agency of the federal government?)—Filed on January 8, 1996 by Elizabeth Patrick of Spokane. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 661 (**Shall the state of Washington restrict the activities of the national security agency, and certain officers be barred from engaging in national security agency activities?**)—Filed on January 8, 1996 by Elizabeth Patrick. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 662 (**Shall an office of state inspector general be created, with certain administrative and investigative powers, headed by a director appointed for a nonrenewable five-year term?**)—Filed on February 12, 1996 by Maximus T. Englerius of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 663 (**Shall the industrial, medicinal, and personal use of hemp (cannabis or marijuana) be permitted under some conditions, taxed, and regulated by the liquor control board?**)—Filed on January 30, 1996 by Thomas A. Rohan of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 664 (**Shall the state repeal all existing state taxes, and levy instead a 1% tax on all transfers of property and a temporary 1% property tax?**)—Filed on February 16, 1996 by Clarence P. Keating, Jr. of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 665 (**Shall government agencies be required to make disclosures about laws, to respond to requests for clarification, and to prove constitutionality if the law is questioned?**)—Filed on February 12, 1996 by Peter M. Brennan of Vancouver. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 666 (**Relating to fishing**)—Filed on February 22, 1996 by Robert I. Keating of Freeland. Measure was refiled as Initiative Measure No. 668.

INITIATIVE MEASURE NO. 667 (**Shall property tax values be frozen at their 1995 levels, plus a maximum two percent annual inflation, and annual tax levy increases be gradually reduced?**)—Filed on February 20, 1996 by Steven R. Hargrove of Poulsbo. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 668 (**Shall the use of gill nets be prohibited, and release be required of out-of-season fish or juvenile chinook salmon under 22 inches long?**)—Filed on February 27, 1996 by Robert I. Keating of Freeland. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 669 (**Shall governments be forbidden to grant any protection or recognize rights based on sexual orientation, and shall schools be prohibited from presenting homosexuality as acceptable?**)—Filed on February 28, 1996 by Mark Roshak of Bothell. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 670 (**Shall the secretary of state be instructed to place a ballot notice concerning congressional and legislative candidates who have not supported Congressional term limits?**)—Filed on April 1, 1996 by Charles G. Moore of Redmond. 232,522 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 5, 1996 general election. It was rejected by the following vote: **For**—937,873 **Against**—1,146,865.

INITIATIVE MEASURE NO. 671 (**Shall amended tribal/state agreements be authorized permitting limited electronic gaming on Indian lands for tribal government purposes, with joint regulation and specified use of revenues?**)—Filed on April 11, 1996 by Doreen M. Maloney of Mount Vernon. 290,996 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 5, 1996 general election. It was rejected by the following vote: **For**—934,344 **Against**—1,222,492.

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- INITIATIVE MEASURE NO. 672 (**Shall grandparents be entitled to petition for visitation rights with their grandchildren, in dissolution, separation and custody proceedings?**)—Filed on April 22, 1996 by Donna J. Honeycutt of Kennewick. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 673 (**Shall health insurance plans be regulated as to provision of services by designated health care providers, managed care provision, and disclosure of certain plan information?**)—Filed on January 8, 1997 by Stephen E. Wehrly of Vashon. 241,508 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 4, 1997 general election. It was rejected by the following vote: **For**—521,161 **Against**—1,087,903.
- INITIATIVE MEASURE NO. 674 (**Shall state spending on schools, colleges, and libraries be exempt from the state expenditure cap and revenue increase restrictions established in Initiative 601?**)—Filed on January 14, 1997 by Jasper MacSparrow of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 675 (**Shall property values for tax purposes be rebased to their 1992 levels, and new limitations be imposed on increases in property value and taxes imposed?**)—Filed on January 28, 1997 by Donald Carter of Olympia. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 676 (**Shall the transfer of handguns without trigger-locking devices be prohibited and persons possessing or acquiring a handgun be required to obtain a handgun safety license?**)—Filed on February 3, 1997 by Thomas C. Wales of Seattle. 239,805 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 4, 1997 general election. It was rejected by the following vote: **For**—496,690 **Against**—1,194,004.
- INITIATIVE MEASURE NO. 677 (**Shall discrimination based on sexual orientation be prohibited in employment, employment agency, and union membership practices, without requiring employee partner benefits or preferential treatment?**)—Filed on February 11, 1997 by Suzanne J. Thomas of Seattle. 229,793 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 4, 1997 general election. It was rejected by the following vote: **For**—666,073 **Against**—985,169.
- INITIATIVE MEASURE NO. 678 (**Shall dental hygienists who obtain a special license endorsement be permitted to perform designated dental hygiene services without the supervision of a licensed dentist?**)—Filed on February 10, 1997 by Anita R. Munson of Bellingham. 272,764 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 4, 1997 general election. It was rejected by the following vote: **For**—787,607 **Against**—883,488.
- INITIATIVE MEASURE NO. 679 (**Relating to property taxes**)—Filed on February 3, 1997 by Winton G. Cannon of Bellevue. Measure was refiled as Initiative No. 681.
- INITIATIVE MEASURE NO. 680 (**Relating to vehicle excise taxes**)—Filed on February 3, 1997 by Winton G. Cannon of Bellevue. Measure was refiled as Initiative No. 682.
- INITIATIVE MEASURE NO. 681 (**Shall property taxes be assessed and valued as of the 1989 assessment, property be assessed at 80 percent of value, and levy requirements be changed?**)—Filed on March 5, 1997 by Winton G. Cannon of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 682 (**Shall current motor vehicle fees and vehicle excise taxes be repealed, and replaced with a new license and fee system based on four defined categories?**)—Filed on March 5, 1997 by Winton G. Cannon of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE MEASURE NO. 683 (**Shall violent drug-related and drug possession penalties be**

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revised, medical use of Schedule I controlled substances be permitted, and a drug prevention commission be established?)—Filed on March 5, 1997 by Robert K. Killian of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 684 (Shall the retail sales tax be increased by one-half of one percent, with the increased revenue earmarked for fish and wildlife enhancement and education?)—Filed on March 19, 1997 by Stanley R Reed of Oak Harbor. Sponsor failed to submit signatures for checking.

INITIATIVE MEASURE NO. 685 (Shall penalties for drug possession and drug-related violent crime be revised, medical use of Schedule I controlled substances be permitted, and a drug prevention commission established?)—Filed on April 4, 1997 by Robert K. Killian of Seattle. 245,193 signatures were submitted and found sufficient. The measure was subsequently certified to the ballot and was submitted to the voters at the November 4, 1997 general election. It was rejected by the following vote: **For**—659,244 **Against**—1,006,964.

INITIATIVE MEASURE NO. 686 (Shall courts be barred from ordering any divorced parents to pay support for the post-secondary education of their dependent children over eighteen years of age?)—Filed on January 5, 1998 by Robert J. Hoyden of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 687 (Shall property values for tax purposes be re-based to their 1992 levels, and new limitations be imposed on increases in property value and taxes imposed?)—Filed on January 13, 1998 by Donald W. Carter of Olympia. No signature petitions were presented for checking.

*INITIATIVE MEASURE NO. 688 (Shall the state minimum wage be increased from \$4.90 to \$5.70 in 1999 and to \$6.50 in 2000, and afterwards be annually adjusted for inflation?)—Filed on January 13, 1998 by Rick S. Bender of Bothell. 288,357 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 3, 1998 general election and approved by the following vote: **For**—1,259,470 **Against**—644,764.

INITIATIVE MEASURE NO. 689 (Shall property taxes be assessed and valued as of the 1989 assessment, property be assessed at 80 percent of value, and levy requirements be changed?)—Filed on January 13, 1998 by Winton G. Cannon of Bellevue. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 690 (Shall current motor vehicle fees and vehicle excise taxes be repealed, and replaced with a new license and fee system based on five defined categories?)—Filed on January 13, 1998 by Winton G. Cannon of Bellevue. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 691 (Shall motor vehicle excise taxes be cut in half for 1999, repealed beginning 2000, and the legislature and governor directed to address the revenue impact?)—Filed on February 26, 1998 by Timothy Eyman of Seattle. No signature petitions were presented for checking.

*INITIATIVE MEASURE NO. 692 (Shall the medical use of marijuana for certain terminal or debilitating conditions be permitted, and physicians authorized to advise patients about medical use of marijuana?)—Filed on February 26, 1998 by Robert K. Killian of Seattle. 260,335 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 3, 1998 general election and approved by the following vote: **For**—1,121,851 **Against**—780,631.

INITIATIVE MEASURE NO. 693 (Shall the state government and cities, towns, and counties be prohibited from using any money to fund the national security agency of the federal government?)—Filed on February 24, 1998 by Elizabeth Patrick of Spokane. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 694 (Shall the termination of a fetus' life during the process of

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birth be a felony crime except when necessary to prevent the pregnant woman's death?)—Filed on March 31, 1998 by Robert V. Bethel of Poulsbo. 216,716 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 3, 1998 general election and rejected by the following vote: **For**—802,376 **Against**—1,070,360.

***INITIATIVE MEASURE NO. 695 (Shall voter approval be required for any tax increase, license tab fees be \$30 per year for motor vehicles, and existing vehicle taxes be repealed?)**—Filed on January 4, 1999 by Tim D. Eyman of Mukilteo. 514,141 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 2, 1999 general election and approved by the following vote: **For**—992,715 **Against**—775,054.

INITIATIVE MEASURE NO. 696 **(Shall commercial net, troll, and trawl fishing be prohibited in Washington state fresh and marine waters, except tribal fisheries conducted under a valid treaty right?)**—Filed on January 4, 1999 by Thomas E. Nelson of Seattle. 234,750 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 2, 1999 general election and rejected by the following vote: **For**—682,380 **Against**—1,044,872.

INITIATIVE MEASURE NO. 697 **(Shall existing vehicle taxes and licensing fees be repealed, and replaced with annual fees of \$10 to \$150, depending on weight, length, and vehicle type?)**—Filed on January 7, 1999 by Winton G. Cannon of Redmond. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 698 **(Shall property tax laws be revised including: rollback to 1990 valuation levels; valuation at 80% of true value; and 60% voter approval required for changes?)**—Filed on January 7, 1999 by Winton G. Cannon of Redmond. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 699 **(Shall state property tax rates be reduced and local real estate sales taxes be revised, with limitations on local government development impact fees and conditions?)**—Filed on January 4, 1999 by Michael N. Matson of Tumwater. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 700 **(Shall counties with a population of less than fifteen thousand be authorized to license or permit electronic gaming devices, including slot machines?)**—Filed on January 5, 1999 by Linda L. Tatlow of Republic. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 701 **(Shall the people of Washington censure those members of the Washington state congressional delegation who voted for articles of impeachment against President William Jefferson Clinton?)**—Filed on January 22, 1999 by Stephen T. Parkinson of Fall City. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 702 **(Shall labor organizations operating in this state be required to include certain provisions in their constitutions concerning rights of members, election procedures, and officer accountability?)**—Filed on January 28, 1999 by Jamie B. Newman of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 703 **(Shall the state apply to Congress to convene a federal constitutional convention to consider an amendment allowing referendums on federal legislative, executive, and judicial acts?)**—Filed on February 12, 1999 by William R. Walker of Auburn. The initiative was withdrawn by the sponsor.

INITIATIVE MEASURE NO. 704 **(Shall all ground water development for domestic use, and all well drilling with the consent of the landowner, be exempt from government regulation and tax?)**—Filed on March 15, 1999 by Henry R. Stephenson of Colville. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 705 **(Shall liquor taxes be repealed, except the existing \$.07 per**

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liter sales tax on spirits and a new tax of \$2.00 per pure alcohol liter?)—Filed on March 3, 1999 by Rachel Hawkrigde of Kirkland. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 706 (**Shall the existing system of state-owned liquor stores be abolished, and shall liquor be sold by private businesses regulated by the state liquor control board?**)—Filed on April 8, 1999 by Rachel Hawkrigde of Kirkland. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 707 (**Shall the state investment board be directed not to make investments that benefit the federal reserve system, unless either of two stated conditions is met?**)—Filed on March 15, 1999 by Michael T. Bell of Lake Forest Park. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 708 (**Shall public school teachers, other school district employees, and community and technical college faculty receive a cost-of-living salary increase each year, to begin in 2001?**)—Filed on April 8, 1999 by Lee Ann Prielipp of Federal Way. The initiative was withdrawn by the sponsor.

INITIATIVE MEASURE NO. 709 (**Shall unemployment benefits be extended to employees who are separated from employment due to lockouts commencing on or after January 1, 1999, with certain exceptions?**)—Filed on May 6, 1999 by James Andrew McPhee of Spokane. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 710 (**Shall certain 1999 tax and fee increases be nullified, vehicles exempted from property taxes, and property valuations and property tax increases for each jurisdiction limited?**)—Filed on January 7, 2000 by Tim D. Eyman of Mukilteo, Leo J. Fagan of Spokane, and Ray D. Benham of Kennewick. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 711 (**Shall all transportation funds, including transit taxes, be spent 90% for roads; transportation agency performance audits required; carpool lanes eliminated; and road materials be tax-exempt?**)—Filed on January 7, 2000 by Tim D. Eyman of Mukilteo, Leo J. Fagan of Spokane, and Ray D. Benham of Kennewick. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 712 (**Shall the state property tax levy be reduced and taxes on real estate sales be dedicated to specified purposes, with additional limitations on development fees?**)—Filed on January 7, 2000 by Michael N. Matson of Tumwater. No signature petitions presented for checking.

***INITIATIVE MEASURE NO. 713 (Shall it be a gross misdemeanor to capture an animal with certain body-gripping traps, or to poison an animal with sodium fluoroacetate or sodium cyanide?)**—Filed on January 7, 2000 by Lisa A. Wathne of Seattle. 261,268 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 7, 2000 general election and approved by the following vote: **For**—1,315,903 **Against**—1,093,587.

INITIATIVE MEASURE NO. 714 (**Shall smoking be prohibited in casinos, bars, taverns, bowling alleys, and all public buildings, except tobacco shops?**)—Filed on January 7, 2000 by Tod A. Green of Moses Lake. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 715 (**Shall citizens be permitted to place small memorials upon the public right-of-way where a death has occurred as a result of a motor vehicle accident?**)—Filed on January 7, 2000 by Anthony G. Blount of North Bend. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 716 (**Shall the state establish a health plan open to all residents, with deficits subsidized by health and stop-loss insurers, additional insurer liability and disclosure requirements?**)—Filed on January 10, 2000 by Raleigh K. Stitt of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 717 (**Shall the state property tax levy be reduced by 15% and then**

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- phased out, additional levy limits be imposed, and certain homeowner tax deferrals provided?—**Filed on January 7, 2000 by Gerald D. Schaefer of Aberdeen. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 718 (**Shall property taxes be assessed at the 1990 rates, levy increases (except improvements) require a 60% vote, and property be taxed at 80% of value?—**Filed on January 11, 2000 by Winton G. Cannon of Bellevue. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 719 (**Shall a pension management board of 14 members be established to set retirement system contribution rates, appoint the state actuary, and review pension policy issues?—**Filed on January 7, 2000 by Stanley J. Bianchi, Jr. of Blaine. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 720 (**Shall retail stores over one hundred thousand square feet in area be restricted to not more than fifteen thousand square feet of nontaxable merchandise?—**Filed on January 7, 2000 by Kevin Raymond Galik of Spokane. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 721 (**Shall new or expanded retail stores be restricted to no more than ninety thousand square feet in area, except with a vote of the people?—**Filed on January 7, 2000 by Kevin Raymond Galik of Spokane. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 722 (Shall certain 1999 tax and fee increases be nullified, vehicles exempted from property taxes, and property tax increases (except new construction) limited to 2% annually?—**Filed on January 28, 2000 by Tim D. Eyman of Mukilteo, Leo J. Fagan of Spokane, and Ray D. Benham of Kennewick. 272,678 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 7, 2000 general election and approved by the following vote: **For—1,295,391 Against—1,022,349.**
- INITIATIVE MEASURE NO. 723 (**Shall the state property tax levy be reduced, revenues in excess of the state expenditure limit be redirected, and local government levy authority be revised?—**Filed on January 12, 2000 by Jeffrey C. Sullivan of Yakima. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 724 (**Shall the state property tax levy be eliminated, property assessed at 50% of value and taxed at \$5.90 per \$1000, and revaluation laws be repealed?—**Filed on February 8, 2000 by Don Carter of Olympia. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 725 (**Shall a state health agency be created and develop a health benefits package for state residents, funded by mandatory premiums, employer assessments, and existing taxes?—**Filed on February 1, 2000 by Stuart J. Bramhall of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 726 (**Shall a list be compiled of automobiles and trucks with irritating daytime running lights, and a fee be imposed on motor vehicles with such lights?—**Filed on February 1, 2000 by J. H. Vandermeer of Olympia. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 727 (**Shall the legislature be directed to enact legislation calling for a federal Constitutional Convention to consider a proposed amendment establishing a national initiative and referendum?—**Filed on February 11, 2000 by Richard Lee Moore of Underwood. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 728 (Shall school districts reduce class sizes, extend learning programs, expand teacher training, and construct facilities, funded by lottery proceeds, existing property taxes, and budget reserves?—**Filed on February 8, 2000 by Lisa D. Macfarlane of Seattle. 297,199 signatures were submitted and found sufficient. The

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measure was submitted to the voters at the November 7, 2000 general election and approved by the following vote: **For**—1,714,485 **Against**—675,635.

INITIATIVE MEASURE NO. 729 (**Shall school districts and public universities be authorized to sponsor charter public schools, independently operated, open to all students, and subject to revised state regulation?**)—Filed on February 23, 2000 by James R. Spady of Seattle. 306,361 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 7, 2000 general election and rejected by the following vote: **For**—1,125,766 **Against**—1,211,390.

INITIATIVE MEASURE NO. 730 (**Shall financial institutions and insurance companies be required to protect consumer privacy through restrictions on obtaining and transferring personal information unless the consumer consents?**)—Filed on March 16, 2000 by Brian J. Sullivan of Tacoma. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 731 (**Shall the legislature be instructed to convene and to adopt a budget for 1999-2001 that reduces all state expenditures by approximately 2.5%?**)—Filed on March 9, 2000 by John J. McMillen of Everett. No signature petitions presented for checking.

*INITIATIVE MEASURE NO. 732 (**Shall public school teachers, other school district employees, and certain employees of community and technical colleges receive annual cost-of-living salary adjustments, to begin in 2001-2002?**)—Filed on March 14, 2000 by Lee Ann Prielipp of Federal Way. 298,722 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 7, 2000 general election and approved by the following vote: **For**—1,501,261 **Against**—893,601.

INITIATIVE MEASURE NO. 733 (**Shall the privacy of personal information be protected through restrictions on collection, use, and disclosure by businesses, with additional protection for financial and medical information?**)—Filed on March 15, 2000 by J. R. Baker of Bainbridge Island. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 734 (**Shall a property tax exemption be provided for real property used as a principal place of residence for persons 61 years of age or older?**)—Filed on March 24, 2000 by George F. McRoberts, Jr. of Bothell. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 735 (**Shall the privacy of personal information be protected through restrictions on collection, use, and disclosure by businesses, with additional protection for financial and medical information?**)—Filed on April 14, 2000 by J. R. Baker of Bainbridge Island. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 736 (**Shall the national security agency be prohibited from performing certain business in the state of Washington?**)—Filed on March 27, 2000 by Elizabeth Patrick of Spokane. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 737 (**Shall the state and counties, cities, and towns be prohibited from funding the national security agency of the federal government?**)—Filed on March 27, 2000 by Elizabeth Patrick of Spokane. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 738 (**Shall 90% of transportation funds, including transit taxes, be spent for roads; transportation agency performance audits required; and road construction and maintenance be sales tax-exempt?**)—Filed on April 18, 2000 by Suzanne D. Karr of Everett. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 739 (**Shall persons convicted of possessing drugs for personal use be sentenced to treatment rather than imprisonment, and personal marijuana possession penalties reduced to civil infractions?**)—Filed on April 19, 2000 by Jeffrey T. Haley of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 740 (**Shall the law require that growing trees on publicly owned lands be forever preserved in order to supply oxygen?**)—Filed on April 19, 2000 by Kurt

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Weinreich of Olympia. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 741 (**Shall the requirement that a person be licensed to practice law before representing others in court or holding certain public offices be eliminated?**)—Filed on April 19, 2000 by Kurt Weinreich of Olympia. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 742 (**Shall the internal revenue service be instructed to comply with federal and state law and to obtain court orders before taking property in this state?**)—Filed on April 19, 2000 by Kurt Weinreich of Olympia. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 743 (**Shall courts of limited jurisdiction be declared not to have the power to impose fines or imprison any person?**)—Filed on April 19, 2000 by Kurt Weinreich of Olympia. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 744 (**Shall the Revised Code of Washington, the Washington Administrative Code, and all municipal ordinances be declared void and inapplicable to flesh and blood people?**)—Filed on April 19, 2000 by Kurt Weinreich of Olympia. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 745 (**Shall 90% of transportation funds, including transit taxes, be spent for roads; transportation agency performance audits required; and road construction and maintenance be sales tax-exempt?**)—Filed on May 3, 2000 by Tim D. Eyman of Mukilteo. 274,490 signatures were filed and found sufficient. The measure was submitted to the voters at the November 7, 2000 general election and rejected by the following vote: **For**—955,329 **Against**—1,394,387.

INITIATIVE MEASURE NO. 746 (**Shall persons convicted of possessing drugs for personal use be sentenced to treatment rather than imprisonment, and personal marijuana possession penalties reduced to civil infractions?**)—Filed on May 19, 2000 by Jeffrey T. Haley of Seattle. No signature petitions presented for checking.

***INITIATIVE MEASURE NO. 747. (Statement of the Subject: Initiative Measure No. 747 concerns limiting property tax increases. Concise Description: 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.)** Filed on January 8, 2001 by Tim Eyman of Mukilteo, Leo Fagan of Spokane, Ray Benham of Kennewick, and M. J. Fagan of Spokane. 290,704 signatures were filed and found sufficient. This measure was submitted to the voters at the November 6, 2001 general election and approved by the following vote: For - 826,258 Against - 609,266.

INITIATIVE MEASURE NO. 748. (**Statement of the Subject: Initiative Measure No. 748 concerns rent increases on residential rental structures or sites. Concise Description: This measure would allow cities and counties to regulate rent increases on residential buildings by requiring notice of increases, prohibiting retaliatory increases, or prohibiting increases on property not meeting health codes.**) Filed on January 10, 2001 by Gregory Gadow of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 749. (**Statement of the Subject: Initiative Measure No. 749 concerns the manner electing certain state and federal officers. Concise Description: This measure would provide that United States Senators and most statewide elected officers would be elected by a system of electoral votes, which would be distributed among the counties, based on county population.**) Filed on January 9, 2001 by Richard Newby of College Place. The initiative was withdrawn by the sponsor.

INITIATIVE MEASURE NO. 750. (**Statement of the Subject: Initiative Measure No. 750 concerns the manner in which United States presidential electors are awarded. Concise Description: This measure would provide that presidential electors would be awarded in proportion to the number of counties in the state in which each candidate has**

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received a majority of the votes.) Filed on January 9, 2001 by Richard Newby of College Place. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 751. (Statement of the Subject: Initiative Measure No. 751 concerns the primary system for election of public officers. Concise Description: This measure would adopt a blanket primary allowing voters to choose among official party candidates, party-affiliated candidates, and independent candidates for each partisan office. If courts invalidated this system, an alternative is specified.) Filed on January 8, 2001 by Terry Hunt of Coulee City. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 752. (Statement of the Subject: Initiative Measure No. 752 concerns the state expenditure limit. Concise Description: this measure would amend the state's expenditure limit. Separate limits would apply to all state accounts that are subject to allotment control, with certain exceptions. Procedures would be established for adjusting these limits.) Filed on January 16, 2001 by Chad Taylor of Chehalis. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 753. (Statement of the Subject: Initiative Measure No. 753 concerns lands managed by the department of natural resources. Concise Description: This measure would require the department of natural resources to open lands, roads, and gates managed by the department to all people for all uses, including travel by foot, horseback and motor vehicle.) Filed on January 23, 2001 by Ivan Rolig of Bremerton. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 754. (Statement of the Subject: Initiative Measure No. 754 concerns laws applied to "flesh and blood people". Concise Description: This measure would provide that the Revised Code of Washington, the Washington Administrative Code, and all municipal ordinances are not applicable to "flesh and blood people".) Filed on January 8, 2001 by Kurt Weinreich of Olympia. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 755. (Statement of the Subject: Initiative Measure No. 755 concerns the public disclosure act. Concise Description: This measure would direct courts to impose a one hundred dollar per day penalty when an agency acting in bad faith denies a person inspection or copying of a public record.) Filed on January 8, 2001 by Kurt Weinreich of Olympia. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 756. (Statement of the Subject: Initiative Measure No. 756 concerns limiting federal jurisdiction. Concise Description: This measure would purport to limit federal laws to the District of Columbia, territories such as Guam, and navigable waters, and provide that federal laws do not apply within the State of Washington.) Filed on January 8, 2001 by Kurt Weinreich of Olympia. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 757. (Statement of the Subject: Initiative Measure No. 757 concerns the internal revenue service. Concise Description: This measure would purport to require the internal revenue service to comply with state and federal laws and constitutional provisions, including proceeding in state superior court prior to executing federal tax liens.) Filed on January 8, 2001 by Kurt Weinreich of Olympia. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 758. (Statement of the Subject: Initiative Measure No. 758 contracts creating private monopolies. Concise Description: This measure would declare all contracts creating private monopolies of public resources to be void and unconstitutional, and allow for a thousand dollar per day fine against persons attempting to enforce such contracts.) Filed on January 8, 2001 by Kurt Weinreich of Olympia. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 759. (Statement of the Subject: Initiative Measure No. 759

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concerns the state bar association and attorney licensing. **Concise Description: This measure would declare the state bar association unconstitutional, provide that the department of licensing would test and license attorneys, and alter laws concerning attorney discipline.**) Filed on January 8, 2001 by Kurt Weinreich of Olympia. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 760. (**Statement of the Subject: Initiative Measure No. 760 concerns causes of action for violations of state civil rights. Concise Description: This measure would authorize lawsuits and attorney fees against any person who, acting under color of state or local law, violates rights secured by the state Constitution or by any state laws.**) Filed on January 8, 2001 by Richard Shepard of Tacoma. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 761. (**Statement of the Subject: Initiative Measure No. 761 concerns liability for restricting the use of private real property. Concise Description: This measure would require state and local governments to pay compensation and attorney fees if a law or government act restricted the use of privately owned real property and reduced its market value.**) Filed on January 8, 2001 by Richard Shepard of Tacoma. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 762. (**Statement of the Subject: Initiative Measure No. 762 concerns restricting the civil forfeiture of property. Concise Description: This measure would generally prohibit the forfeiture of property (other than "contraband") unless the owner had been convicted of a crime and the property was clearly instrumental in committing or facilitating the crime.**) Filed on January 8, 2001 by Richard Shepard of Tacoma. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 763. (**Statement of the Subject: Initiative Measure No. 763 concerns preservation of the blanket primary. Concise Description: This measure would declare that the people oppose action by the political parties to replace the blanket primary, and would nullify any legislative act abolishing the blanket primary.**) Filed on January 25, 2001 by William Pilkey of Olympia. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 764. (**Statement of the Subject: Initiative Measure No. 764 concerns privatizing the children's administration of DSHS. Concise Description: This measure would dissolve the children's administration in the department of social and health services. Child protective services would be transferred to the state patrol, and other functions handled by private agencies.**) Filed on January 16, 2001 by Jeffery Douglas of Orting. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 765. (**Statement of the Subject: Initiative Measure No. 765 concerns property taxes. Concise Description: This measure would eliminate state property tax and laws governing property revaluation and levy limits. Real estate would be assessed at 50% of true value (or less) and taxed at \$5.90 per \$1000.**) Filed on February 1, 2001 by Donald Carter of Olympia. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 766. (**Statement of the Subject: Initiative Measure No. 766 concerns regulation of marijuana. Concise Description: This measure would legalize and regulate the cultivation, sale, and use of marijuana. A sales tax would be imposed. Use by minors would be prohibited. Amnesty would be extended to past offenders.**) Filed on January 24, 2001 by Ross M. Hallett of Port Angeles. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 767. (**Relating to clean water. Initiative Measure No. 767 was withdrawn and refilled as Initiative Measure No. 769 before a ballot title was assigned**) Filed on February 7, 2001 by Daniel J. Silver of Olympia.

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- INITIATIVE MEASURE NO. 768. (Statement of the Subject: Initiative Measure No. 768 concerns union membership. Concise Description: this measure would make it unlawful to condition employment on union membership or nonmembership. Contracts allowing retention of union dues or assessments from employee compensation would be void, absent the employee's written consent.) Filed on February 5, 2001 by Muhammad Farrakhan of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 769. (Statement of the Subject: Initiative Measure No. 769 concerns financing water quality projects with general obligation bonds. Concise Description: This measure would provide \$1 billion in bonds for drinking water, wastewater treatment, water conservation, and riparian habitat and streamflow improvements. One-tenth of 1% additional sales tax would be imposed until bond retirement.) Filed on February 23, 2001 by Daniel J. Silver of Olympia. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 770. (Statement of the Subject: Initiative Measure No. 770 concerns voter approval of 'significant alterations' to high capacity transportation projects. Concise Description: This measure would require voter approval of "significant alterations" to voter-approved propositions for regional high capacity transportation systems. As defined, "significant alterations" include certain cost increases, delays, and elimination of project elements.) Filed on February 6, 2001 by Christopher Clifford of Renton. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 771. (Statement of the Subject: Initiative Measure No. 771 concerns punishment for the murder of a child. Concise Description: This measure would make first degree murder of a child under 13 aggravated first degree murder, and would impose life imprisonment without parole for first degree murder of a child under 16.) Filed on March 2, 2001 by Ann F. Stone of Spokane. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 772. (Statement of the Subject: Initiative Measure No. 772 concerns at-large election of state legislators. Concise Description: This measure would establish 33 representative districts and 11 senate districts, each electing 3 legislators. The top 6 primary candidates would qualify for the general election, where the top 3 would be elected.) Filed on March 8, 2001 by Michael A. Johnson of Cheney. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 773. (Statement of the Subject: Initiative Measure No. 773 concerns additional tobacco taxes for low-income health programs and other programs. Concise Description: 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.) Filed on March 26, 2001 by Astrid Berg of Seattle. 275,081 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 6, 2001 general election and approved by the following vote: For - 948,529 Against - 486,912.
- INITIATIVE MEASURE NO. 774. (Statement of the Subject: Initiative Measure No. 774 concerns long-term in-home care services. Concise Description: This measure would create a "home care quality authority" to establish qualifications, standards, training, referral, workers compensation, and employment relations for publicly funded individual providers of in-home care to elderly and disabled adults.) Filed on April 6, 2001 by Lars Hennem of Seattle, Deana Knutsen of Lynnwood, and Katrinka Gentile of Shoreline. No signature petitions were presented for checking.
- *INITIATIVE MEASURE NO. 775. (Statement of the Subject: Initiative Measure No. 775 concerns long-term in-home care services. Concise Description: this measure would create a "home care quality authority" to establish qualifications, standards, accountability, training, referral and employment relations for publicly funded

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individual providers of in-home services to elderly and disabled adults.) Filed on April 6, 2001 by Lars Hennem of Seattle, Deana Knutsen of Lynnwood, and Katrinka Gentile of Shoreline. 304,327 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 6, 2001 general election and approved by the following vote: For - 880,523 Against - 522,848.

***INITIATIVE MEASURE NO. 776. (Statement of the Subject: Initiative Measure No. 776 concerns state and local government charges on motor vehicles. Concise Description: This measure would require license tab fees to be \$30 per year for motor vehicles, including light trucks. Certain local-option vehicle excise taxes and fees used for roads and transit would be repealed.)** Filed on January 7, 2002 by Tim D. Eyman of Mukilteo, Ray D. Benham of Kennewick, M. J. Fagan of Spokane, & Leo J. Fagan Spokane. 260,898 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 5, 2002 general election and approved by the following vote: For - 901,478 Against - 849,986.

INITIATIVE MEASURE NO. 777. (Statement of the Subject: Initiative Measure No. 777 concerns employer-employee labor agreements. Concise Description: This measure would prohibit any employer from requiring employees to belong or not to belong to a labor organization, or from requiring employees to pay union dues or representation costs instead of dues.) Filed on January 7, 2002 by Jason C. Smosna of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 778. (Statement of the Subject: Initiative Measure No. 778 concerns repealing laws that authorize property forfeiture. Concise Description: This measure would repeal state laws that authorize the seizure and forfeiture of property relating to crimes such as illegal gambling, making or selling illegal drugs, child pornography, tax evasion, and money laundering.) Filed on January 22, 2002 by Ernest R. Lewis of Olympia. This initiative was withdrawn by the sponsor.

INITIATIVE MEASURE NO. 779. (Statement of the Subject: Initiative Measure No. 779 concerns providing bonus compensation to teachers based on parent ratings. Concise Description: This measure would provide yearly bonus payments for public school teachers who are rated highly by students' parents and guardians, calculated as a percentage of average teacher salary, and paid by the state.) Filed on January 18, 2002 by Donald D. Hansler of Spanaway. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 780. (Statement of the Subject: Initiative Measure No. 780 concerns testing requirements for candidates for public office. Concise Description: This measure would require candidates for most elective offices to complete the tenth grade Washington assessment of student learning before filing for office. Scores would be publicly available and in the voters' pamphlet.) Filed on January 9, 2002 by David Marshak of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 781. (Statement of the Subject: Initiative Measure No. 781 concerns penalties for officers who seek to weaken initiative measures. Concise Description: This measure would set penalties for any legislator or officer who attempts to overturn or weaken an initiative measure; immediate expulsion from office, five years' imprisonment, and permanent ineligibility to hold public office.) Filed on January 14, 2002 by David A. Whitman of Seattle. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 782. (Statement of the Subject: Initiative Measure No. 782 concerns allocating tax shares according to wealth. Concise Description: This measure would declare that a tiny percentage of individuals and corporations possess 95% of the state's money, and would require that this group pay 95% of all state, county, and city taxes.) Filed on January 14, 2002 by David A. Whitman of Seattle. No signature petitions presented for checking.

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- INITIATIVE MEASURE NO. 783. (Statement of the Subject: Initiative Measure No. 783 concerns limiting campaign contributions to those entitled to vote. Concise Description: This measure would prohibit any person from contributing to an election campaign except those entitled to vote in the election, prohibit corporate campaign contributions, and prohibit use of non-voter funds for political advertising.) Filed on January 28, 2002 by Roger D. Whitten of Oakesdale. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 784. (Statement of the Subject: Initiative Measure No. 784 concerns property forfeiture arising from controlled substances laws. Concise Description: This measure would make numerous changes to laws forfeiting property connected with drug crimes, including a requirement of conviction of all owners, additional hearings, and requiring sale, not government use, of forfeited property.) Filed on February 8, 2002 by Ernest R. Lewis of Olympia and Richard Shepard of Fircrest. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 785. (Statement of the Subject: Initiative Measure No. 785 concerns geographic limitations on distribution of transportation funds. Concise Description: This measure would generally require that vehicle fuel taxes, vehicle licensing fees, fares, tolls, and voter-approved taxes be spent for roads, bridges, and mass transit systems in the county where they are collected.) Filed on February 5, 2002 by Brandon Scott Durham of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 786. (Statement of the Subject: Initiative Measure No. 786 concerns rights, activities or privileges afforded Washington tribes. Concise Description: This measure would declare that any right, activity or privilege afforded the tribes of Washington state would be shared equally and in common with the citizens of Washington state.) Filed on February 15, 2002 by Omer J. Lupien of Oak Harbor. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 787. (Statement of the Subject: Initiative Measure No. 787 concerns extending the sales and use taxes to motor vehicle fuel. Concise Description: This measure would extend the sales and use taxes to fuels subject to motor vehicle or special fuel taxes, and to fuels used for public transportation or for transporting persons with special needs.) Filed on February 15, 2002 by Alan C. Harvey of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 788. (Statement of the Subject: Initiative Measure No. 788 concerns limiting credit card interest. Concise Description: This measure would provide that the amount of interest charged for credit card balances could not exceed 12 percent per year.) Filed on February 22, 2002 by Michael J. Thompson of Seattle. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 789. (Statement of the Subject: Initiative Measure No. 789 concerns the operation of individual schools within public school districts. Concise Description: This measure would establish a system for funding public education through allocations to individual schools. Each school principal would develop and manage the school's budget, subject to school board approval and state audit.) Filed on February 27, 2002 by Thomas G. Erickson of Vancouver. No signature petitions presented for checking.
- *INITIATIVE MEASURE NO. 790. (Statement of the Subject: Initiative Measure No. 790 concerns law enforcement officers' and fire fighters' retirement system, plan 2. Concise Description: This measure would place management of the law enforcement officers' and fire fighters' retirement system, plan 2, in a board of trustees consisting of six plan participants, three employer representatives, and two legislators.) Filed on March 5, 2002 by Kelly L. Fox and Harold W. Hanson of Olympia. 345,543 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 5, 2002 general election and approved by the following vote: For - 903,113 Against - 800,105.

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- INITIATIVE MEASURE NO. 791. (Statement of the Subject: Initiative Measure No. 791 concerns the state expenditure limit. Concise Description: This measure would extend state expenditure limits to additional accounts and re-enact and expand the two thirds legislative vote requirement to raise revenue. Reserve levels would be increased and excess amounts would be redistributed.) Filed on March 13, 2002 by Stephanie A. Linklater of North Bend. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 792. (Statement of the Subject: Initiative Measure No. 792 concerns vehicular assault while driving under the influence. Concise Description: This measure would make it a class A felony for anyone to operate or drive any vehicle while under the influence of intoxicating liquor or any drug, and cause bodily harm to another.) Filed on March 14, 2002 by Allan Geoffrey Dyer of Kent. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 793. (Statement of the Subject: Initiative Measure No. 793 concerns the operation of individual schools within public school districts. Concise Description: This measure would establish a system for funding education, in larger school districts, through allocations to individual schools. District central administrative funding would be reduced. Each principal would manage the individual school's budget.) Filed on April 2, 2002 by Thomas G. Erickson of Vancouver. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 794. (Statement of the Subject: Initiative Measure No. 794 concerns the creation of a state health benefits system. Concise Description: This measure would create a Washington health security trust. This agency would develop and administer a single health benefits package for state residents, funded by mandatory premiums, employer assessments, existing taxes, and co-payments.) Filed on March 29, 2002 by Harry Abbott of Everett. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 795. (Statement of the Subject: Initiative Measure No. 795 concerns establishing a pension management board for Washington public employees. Concise Description: This measure would create a participant-elected pension management board to manage most state retirement systems, and would redefine the duties of agencies, including the state investment board and the department of retirement systems.) Filed on April 3, 2002 by David A. Thurman of Bellingham, Kathleen L. Reim of Sedro-Woolley & Monte E. Bianchi of Mt. Vernon. This initiative was withdrawn by the sponsors.
- INITIATIVE MEASURE NO. 796. (Statement of the Subject: Initiative Measure No. 796 concerns replacing "Washington" with "Cascadia" in the Revised Code of Washington. Concise Description: This measure would replace any reference to "Washington" in the Revised Code of Washington with "Cascadia". Abbreviations for "Washington" would be replaced with abbreviations for "Cascadia".) Filed on April 4, 2002 by David John Anderson of Seattle. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 797. (Statement of the Subject: Initiative Measure No. 797 concerns establishing a pension management board for state retirement systems. Concise Description: This measure would create a participant-elected pension management board to manage most state retirement systems, and would redefine the duties of agencies, including the state investment board and the department of retirement systems.) Filed on April 24, 2002 by David A. Thurman of Bellingham. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 798. (Statement of the Subject: Initiative Measure No. 798 concerns the operation of individual schools within public school districts. Concise Description: This measure would establish a system for funding education through allocations to individual schools and reductions in central administrative expenses. Each principal would manage the school's budget, subject to audit and board

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approval.) Filed on April 26, 2002 by Thomas G. Erickson of Vancouver. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 799. (Statement of the Subject: Initiative Measure No. 799 concerns the operation of individual schools within public school districts. Concise Description: This measure would establish a system for funding education through allocations to individual schools and reductions in central administrative expenses. Each principal would manage the school's budget, subject to audit and board approval.) Filed on May 24, 2002 by Thomas G. Erickson of Vancouver. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 800. (Statement of the Subject: Initiative Measure No. 800 concerns legal challenges to certain initiatives and other legislative bills. Concise Description: This measure would direct the state attorney general to challenge the provisions of Initiative 601 and certain other initiatives and legislative bills that require supermajority votes on revenues, fees or expenditures.) Filed on January 6, 2003 by Stephen M. Zemke of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 801. (Statement of the Subject: Initiative Measure No. 801 concerns the financial impact of initiatives. Concise Description: This measure would require any initiative requiring new programs or services to specify their sources of revenue, and require any initiative reducing revenue to specify programs or services to be reduced or eliminated.) Filed on January 6, 2003 by Stephen M. Zemke of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 802. (Statement of the Subject: Initiative Measure No. 802 concerns signature gathering for initiative and referendum petitions. Concise Description: measure would declare it unlawful to pay or receive money or other value based on the number of signatures obtained on an initiative or referendum petition, and would repeal a similar law.) Filed on January 6, 2003 by J. Pat Thompson of Everett. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 803. (Statement of the Subject: Initiative Measure No. 803 concerns requirements to enact certain legislation that requires supermajority votes. Concise Description: This measure would require initiatives and legislative bills requiring a supermajority vote by the state, counties, cities or ports to raise taxes or fees or make expenditures, to pass by the same supermajority.) Filed on January 6, 2003 by Stephen M. Zemke of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 804. (Statement of the Subject: Initiative Measure No. 804 concerns the state voters' pamphlet. Concise Description: This measure would require a voters' pamphlet for primary and general elections involving a statewide office or ballot proposition, and would require voters' pamphlets to contain information concerning state budgets, revenues and services.) Filed on January 6, 2003 by Stephen M. Zemke of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 805. (Statement of the Subject: Initiative Measure No. 805 concerns reviewing initiative measures for constitutionality. Concise Description: This measure would establish a commission to analyze whether proposed initiative measures might be contrary to the state constitution or the federal constitution or laws, and prepare voters' pamphlet statements listing potential challenges.) Filed on January 6, 2003 by Stephen M. Zemke of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 806. (Statement of the Subject: Initiative Measure No. 806 concerns initiative measures repealing existing law. Concise Description: This measure would require an initiative measure to display the full text of any section of law that would be repealed by the measure.) Filed on January 6, 2003 by Stephen M. Zemke of Seattle. No signature petitions were presented for checking.

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- INITIATIVE MEASURE NO. 807. (Statement of the Subject: Initiative Measure No. 807 concerns the state expenditure limit. Concise Description: This measure would require either a two-thirds legislative majority or voter approval to “raise state revenues” as defined or increase fees, and revise requirements on spending limit changes and the emergency reserve fund.) Filed on January 6, 2003 by Tim Eyman of Mukilteo, Leo Fagan of Spokane, Ray Benham of Kennewick, and M. J. Fagan of Spokane. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 808. (Statement of the Subject: Initiative Measure No. 808 concerns the operation of individual schools within public school districts. Concise Description: This measure would establish a system for funding education through allocations to individual schools and reductions in central administrative expenses. Each principal would manage the school’s budget, subject to audit and board approval.) Filed on January 6, 2003 by Thomas G. Erickson of Vancouver. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 809. (Statement of the Subject: Initiative Measure No. 809 concerns fees to use certain state park and recreation facilities. Concise Description: This measure would require purchasing a pass, in lieu of other fees, to use certain outdoor recreation facilities owned or operated by the state parks and recreation commission and certain other state agencies.) Filed on January 6, 2003 by James L. King, Jr. of Olympia. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 810. (Statement of the Subject: Initiative Measure No. 810 concerns the state expenditure limit. Concise Description: This measure would modify the expenditure limit law, including re-setting the base year, increasing the maximum level of the emergency reserve fund, and eliminating transfers to the student achievement, transportation, and general funds.) Filed on January 6, 2003 by James L. King, Jr. of Olympia. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 811. (Statement of the Subject: Initiative Measure No. 811 concerns limiting credit card interest rates. Concise Description: This measure would provide that the amount of interest charged for unsecured credit card balances could not exceed twelve percent per year.) Filed on January 6, 2003 by Michael J. Thompson of Seattle. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 812. (Statement of the Subject: Initiative Measure No. 812 concerns uses of public land. Concise Description: This measure would prohibit the grazing of livestock on nonfederal public land in this state, amending or repealing several statutes to reflect this prohibition.) Filed on January 6, 2003 by John J. Anderson of Kettle Falls. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 813. (Statement of the Subject: Initiative Measure No. 813 concerns limitations on political campaign contributions. Concise Description: This measure would prohibit campaign contributions by persons not entitled to vote for the candidate or ballot proposition, except token amounts; prohibit contributions by corporations; and prohibit use of non-voter contributions for advertising.) Filed on January 6, 2003 by Roger D. Whitten of Oakesdale. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 814. (Statement of the Subject: Initiative Measure No. 814 concerns an income tax. Concise Description: This measure would direct the legislature to enact an income tax that would force those individuals and corporations controlling 95% of the money in the state to pay 95% of the taxes.) Filed on January 6, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 815. (Statement of the Subject: Initiative Measure No. 815 concerns taxes. Concise Description: This measure would declare that individuals with

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fifty thousand dollars or less in annual income, and couples with a combined income of less than ninety thousand dollars, would be exempt from paying taxes.) Filed on January 6, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 816. (Statement of the Subject: Initiative Measure No. 816 concerns limiting eligibility for public office. Concise Description: This measure would limit eligibility for office of anyone who has served one or more terms in an office involving legislative duties. Such persons would never be eligible for any other public office.) Filed on January 6, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 817. (Statement of the Subject: Initiative Measure No. 817 concerns penalties for broken campaign promises. Concise Description: This measure would declare that any political candidate who promises to support certain legislation but does not, or lies to the taxpayers about any subject, would be expelled from office, fined, and imprisoned.) Filed on January 6, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 818. (Statement of the Subject: Initiative Measure No. 818 concerns political campaigns. Concise Description: This measure would declare that all political campaigns in the state would last only 14 six-hour days from the date this measure is approved, with no campaign contributions allowed and minimal taxpayer cost.) Filed on January 6, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 819. (Statement of the Subject: Initiative Measure No. 819 concerns term limits for certain public offices. Concise Description: This measure would set a limit of one two-year term for certain state and local offices in this state. Relatives of current or former officeholders would be ineligible to hold certain public offices.) Filed on January 6, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 820. (Statement of the Subject: Initiative Measure No. 820 concerns the effective date of initiatives. Concise Description: This measure would declare that all initiatives would become effective the day they are "approved by the taxpayers of the State of Washington.") Filed on January 6, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 821. (Statement of the Subject: Initiative Measure No. 821 concerns penalties for public officials who weaken initiatives. Concise Description: This measure would make it unlawful for any state or local legislative officer to ignore, overturn, or weaken an initiative, other than by referendum. Violators would be expelled from office, fined, and imprisoned.) Filed on January 6, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 822. (Statement of the Subject: Initiative Measure No. 822 concerns maximum interest rates. Concise Description: This measure would set a maximum rate of 3% simple interest that could be charged by financial institutions and businesses extending credit to customers. Closing costs and other added fees would be unlawful.) Filed on January 6, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 823. (Statement of the Subject: Initiative Measure No. 823 concerns liquor sales. Concise Description: measure would abolish the liquor control board, and would permit any purveyor of pharmaceuticals or groceries to sell all of the liquor that has been sold by the liquor board since 1933.) Filed on January 6, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 824. (Statement of the Subject: Initiative Measure No. 824

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concerns a statement about "End Seat Belt Piracy." **Concise Description:** This measure would state: "An \$86.00 seat belt penalty will deprive a mother with two or three small children, minimum wages and no child support of more than a day's wages.") Filed on January 6, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 825. (Statement of the Subject: Initiative Measure No. 825 concerns school levies. **Concise Description:** This measure would declare that school levies are discontinued as of the approval date of this measure.) Filed on January 6, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 826. (Statement of the Subject: Initiative Measure No. 826 concerns locksmiths. **Concise Description:** This measure would prohibit a locksmith from providing copies of keys to any person other than the customer who paid for the work. Violators and their families would have their licenses permanently revoked.) Filed on January 6, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 827. (Statement of the Subject: Initiative Measure No. 827 concerns a referendum on the salaries of public officers. **Concise Description:** This measure would declare that salaries and fringe benefits of everyone appointed or elected to public office in the state must be decided by a referendum to the people retroactive to November 2002.) Filed on January 7, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 828. (Statement of the Subject: Initiative Measure No. 828 concerns postage on mailed absentee ballots. **Concise Description:** This measure would eliminate the requirement that voters pay postage when mailing absentee ballots to the county auditor.) Filed on January 10, 2003 by Emily E. Walters of Maple Valley. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 829. (Statement of the Subject: Initiative Measure No. 829 concerns postage costs on mailed voter registration information. **Concise Description:** This measure would eliminate postage payment requirements on voter registration forms, and would instruct that the words "NO POSTAGE NECESSARY" be included in the registration form.) Filed on January 7, 2003 by Emily E. Walters of Maple Valley. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 830. (Statement of the Subject: Initiative Measure No. 830 concerns penalties for public officials in contact with lobbyists. **Concise Description:** This measure would make it unlawful for certain officials to be seen in the presence of lobbyists. Violators would be expelled from office, fined \$50,000, and sentenced to five years in the penitentiary.) Filed on January 6, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 831. (Statement of the Subject: Initiative Measure No. 831 concerns adoption and transmittal of a resolution about Tim Eyman. **Concise Description:** This measure would set forth "whereas" recitals characterizing Tim Eyman and initiatives he sponsored, followed by a resolution labeling him using a vernacular term that denotes the back end of a horse.) Filed on January 7, 2003 by David G. Goldstein of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 832. (Statement of the Subject: Initiative Measure No. 832 concerns designated smoking areas in restaurants. **Concise Description:** This measure would prohibit any restaurant in Kitsap County from designating a smoking area.) Filed on January 6, 2003 by Mary Larson of Port Orchard. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 833. (Statement of the Subject: Initiative Measure No. 833

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concerns violent sex offenses. **Concise Description:** This measure would define certain crimes as violent sex offenses, and would require that any person convicted of such an offense be sentenced to life in prison without the possibility of parole.) Filed on January 6, 2003 by Tracy Oetting of Skykomish. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 834. (**Statement of the Subject: Initiative Measure No. 834 concerns replacing "Washington" with "Cascadia" in the Revised Code of Washington. Concise Description:** This measure would replace any reference to "Washington" in the Revised Code of Washington with "Cascadia". Abbreviations for "Washington" would be replaced with abbreviations for "Cascadia".) Filed on January 23, 2003 by George C. Deane of Everett. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 835. (**Statement of the Subject: Initiative Measure No. 835 concerns establishing a pension board for state retirement systems. Concise Description:** This measure would create a participant-elected pension board to supervise state retirement systems, and would redefine the duties of the state actuary, the joint committee on pension policy, and the pension funding council.) Filed on January 24, 2003 by David A. Thurman of Bellingham. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 836. (**Statement of the Subject: Initiative Measure No. 836 concerns enforcement of safety belt laws. Concise Description:** This measure would provide that laws concerning the use of vehicle safety belts, except children's belts, would be enforced only as a secondary action when a driver has been detained for another reason.) Filed on January 29, 2003 by Daniel J. Goebel of Lacey. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 837. (**Statement of the Subject: Initiative Measure No. 837 concerns donations of human organs. Concise Description:** This measure would create a presumption that when an individual over eighteen dies, his or her organs are available for donation, unless the individual or a family member specifically opts against organ donation.) Filed on January 24, 2003 by David J. Coleman of Olympia. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 838. (**Statement of the Subject: Initiative Measure No. 838 concerns marriages. Concise Description:** This measure would legalize marriages between two people of the same sex.) Filed on January 16, 2003 by Roger D. Whitten of Oakesdale. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 839. (**Statement of the Subject: Initiative Measure No. 839 concerns repealing the business and occupation tax. Concise Description:** This measure would repeal the state business and occupation tax levied on the act or privilege of engaging in business activities.) Filed on January 16, 2003 by Roger D. Whitten of Oakesdale. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 840. (**Statement of the Subject: Initiative Measure No. 840 concerns controlled substances. Concise Description:** This measure would remove marijuana from the schedules of unlawful controlled substances. The definition of "drug paraphernalia" would be amended to remove certain objects designed for use in ingesting marijuana, cocaine, or hashish.) Filed on January 16, 2003 by Roger D. Whitten of Oakesdale. No signature petitions were presented for checking.

*INITIATIVE MEASURE NO. 841. (**Statement of the Subject: Initiative Measure No. 841 concerns the repeal and future limitation of ergonomics regulations. Concise Description:** This measure would repeal existing state ergonomics regulations and would direct the department of labor and industries not to adopt new ergonomics regulations unless a uniform federal standard is required.) Filed on January 29, 2003 by Randy M. Gold of Wenatchee. 258,411 signatures were filed and found sufficient. This

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measure was submitted to the voters at the November 4, 2003 general election and approved by the following vote: For - 656,737 Against - 570,980.

- INITIATIVE MEASURE NO. 842. **(Statement of the Subject: Initiative Measure No. 842 concerns health care financing. Concise Description: This measure would create a Washington health security trust to develop a health care plan for all state residents, funded by co-payments, employer and employee assessments, and shifting tax revenues from other uses.)** Filed on January 28, 2003 by Harold Abbott of Everett. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 843. **(Statement of the Subject: Initiative Measure No. 843 concerns state sales and use taxes on motor vehicles. Concise Description: This measure would place the state's portion of the sales tax and the use tax on motor vehicles in the motor vehicle fund, to be used only for road construction and maintenance purposes.)** Filed on February 10, 2003 by Suzanne D. Karr of Everett. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 844. **(Statement of the Subject: Initiative Measure No. 844 concerns performance audits of state agencies and institutions. Concise Description: This measure would direct the state auditor to conduct performance audits of state agencies and institutions. A citizens' oversight committee would be created, and \$5 million would be appropriated for fiscal year 2004.)** Filed on February 10, 2003 by Suzanne D. Karr of Everett. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 845. **(Statement of the Subject: Initiative Measure No. 845 concerns government contracts. Concise Description: This measure would require the granting of preferential treatment to economically disadvantaged businesses in awarding government contracts.)** Filed on January 30, 2003 by Walter K. Backstrom of Woodinville. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 846. **(Statement of the Subject: Initiative Measure No. 846 concerns enacting a state income tax. Concise Description: This measure would impose an income tax on taxpayers with adjusted gross income exceeding \$100,000 per year. The rate would range from 1% to 2%. Deductions would be similar to federal tax deductions.)** Filed on February 6, 2003 by Stephen P. Martin of Silverdale. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 847. **(Statement of the Subject: Initiative Measure No. 847 concerns employing dismissed Liquor Board employees. Concise Description: This measure would require any private merchant with ten or more employees, to be eligible to sell liquor in the state, to employ at least one former state liquor board employee until retirement.)** Filed on February 10, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 848. **(Relating to prohibiting the implementation of a Link Light Rail system.)** Filed on February 14, 2003 by Tim Eyman of Mukilteo, Leo Fagan of Spokane, Ray Benham of Kennewick, and M. J. Fagan of Spokane. Withdrawn by sponsor.
- INITIATIVE MEASURE NO. 849. **(Statement of the Subject: Initiative Measure No. 849 concerns filing affidavits when submitting initiatives. Concise Description: This measure would permit a person, when submitting more than one initiative, to file a single affidavit rather than a separate affidavit for each measure.)** Filed on February 24, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.
- INITIATIVE MEASURE NO. 850. **(Statement of the Subject: Initiative Measure No. 850 concerns the time to submit initiative measures. Concise Description: measure would permit sponsors to submit their initiatives on July 1 "to give sponsors plenty of time to collect signatures.")** Filed on February 24, 2003 by David A. Whitman of Seattle. No signature petitions were presented for checking.

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INITIATIVE MEASURE NO. 851. (Statement of the Subject: Initiative Measure No. 851 concerns providing bonus compensation to teachers based on parent ratings. Concise Description: This measure would provide yearly bonus payments for public school teachers based on parent/guardian ratings, calculated as a percentage of average teacher salary, and funded by a sales tax increase of 0.15 percent.) Filed on March 6, 2003 by Donald D. Hansler of Spanaway. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 852. (Statement of the Subject: Initiative Measure No. 852 concerns prohibiting the implementation of the Link Light Rail system. Concise Description: This measure would prohibit the Central Puget Sound Regional Transit Authority (Sound Transit) and nearby counties and cities from implementing the Link Light Rail system between SeaTac and Seattle, beyond existing contractual obligations.) Filed on March 12, 2003 by Tim Eyman of Mukilteo. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 853. (Statement of the Subject: Initiative Measure No. 853 concerns revising laws concerning state fiscal matters. Concise Description: This measure would revise the way the state expenditure limit is calculated, require adoption of biennial budget goals and priorities, provide for periodic citizen reviews of tax exemptions, and eliminate legislative supermajority requirements.) Filed on March 26, 2003 by Stephen M. Zemke of Seattle. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 854. (Statement of the Subject: Initiative Measure No. 854 concerns regional transportation. Concise Description: This measure would provide for elected regional transportation accountability boards (required in Central Puget Sound, optional elsewhere.) Each board would consolidate and govern existing regional transportation agencies and coordinate planning, funding, and services.) Filed on April 4, 2003 by Michael K. Vaska of Issaquah, Bruce Agnew, David A. Russell. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 855. (Relating to property taxes.) Filed on April 10, 2003 by Tim Eyman of Mukilteo. Withdrawn by sponsor.

INITIATIVE MEASURE NO. 856. (Statement of the Subject: Initiative Measure No. 856 concerns property tax levies Concise Description: This measure would reduce the state property tax levy by 25%, repeal local government authority to increase regular levies 1% per year, and require general election voter approval for such local levy increases.) Filed on April 29, 2003 by Tim Eyman of Mukilteo. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 857. (Statement of the Subject: Initiative Measure No. 857 concerns wages and benefits of individual home care providers. Concise Description: This measure would provide the following to individual providers of publicly-funded home care: wages of at least \$11.50 per hour by mid-2004; workers compensation coverage; and subsidized enrollment in the basic health plan.) Filed on April 29, 2003 by Sally Easterwood-Wilbon of Seattle, Doris Cole, Lacey Wright. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 858. (Statement of the Subject: Initiative Measure No. 858 concerns wages and benefits of individual home care providers. Concise Description: This measure would provide the following to individual providers of publicly-funded home care: compensation as provided in their collective bargaining agreement; workers compensation coverage; and subsidized enrollment in the state's basic health plan.) Filed on April 29, 2003 by Sally Easterwood-Wilbon of Seattle, Doris Cole. No signature petitions were presented for checking.

INITIATIVE MEASURE NO. 859. (Relating to property taxes.) Filed on May 22, 2003 by Tim

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Eyman of Mukilteo. Withdrawn by sponsor.

INITIATIVE MEASURE NO. 860 (**Statement of the Subject: Initiative measure No. 860 concerns property tax levies. Concise Description: This measure would reduce regular property tax levies by counties, cities, and other local taxing districts by 25% beginning in 2005. The measure would not affect voter-approved special levies, including local school levies.**) Filed on January 2, 2004 by Tim D. Eyman of Mukilteo, M. J. Fagan and Leo J Fagan of Spokane and Robert E. Henkel of Tacoma. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 861 (**Statement of the Subject: Initiative Measure No. 861 concerns violent sex offenses. Concise Description: This measure would define certain crimes as violent sex offenses, and would require that any person convicted of such an offense be sentenced to life in prison without the possibility of parole.**) Filed on January 2, 2004 by Tracy Oetting of Skykomish. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 862 (**Statement of the Subject: Initiative Measure No. 862 concerns salaries for elected officials. Concise Description: This measure would limit the salaries of all elected officials to be no higher than the average annual income of a Washington resident as designated by the federal census or the World Almanac.**) Filed on January 2, 2004 by Patrick M. Crawford of Littlerock. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 863 (**Statement of the Subject: Initiative Measure No. 863 concerns abolishing the Department of Ecology. Concise Description: This measure would provide that the state Department of Ecology would be dismantled and abolished.**) Filed on January 2, 2004 by Patrick M. Crawford of Littlerock. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 864 (**Statement of the Subject: Initiative Measure No. 864 concerns property tax levies. Concise Description: This measure would reduce regular property tax levies otherwise allowed to counties, cities and other local taxing districts, by 25% beginning in 2005. Voter-approved levies, including local school levies, would be excluded.**) Filed on January 5, 2004 by Tim D. Eyman of Mukilteo, M. J. Fagan of Spokane and Leo J. Fagan of Spokane. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 865 (**Statement of the Subject: Initiative Measure No. 865 concerns sales tax on food products. Concise Description: This measure would revise the law defining how food products are exempt from sales tax, repealing 2003 amendments to this law, and exempting diet supplements from sales tax (but not from use tax.)**) Filed on January 7, 2004 by David L. Steyh and Suzann M. Steyh of Seattle. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 866 (**Statement of the Subject: Initiative Measure No. 866 concerns revenue and taxation. Concise Description: This measure would exempt over-the-counter drugs purchased without a prescription from the sales tax, making such over-the-counter drugs subject to the use tax.**) Filed on January 7, 2004 by David L. Steyh and Suzann M. Steyh of Seattle. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 867 (**Statement of the Subject: Initiative Measure No. 867 concerns sales and use tax on pet food. Concise Description: This measure would exempt sales of pet food and specialty pet food from sales and use tax. The exemption would apply to commercial feed prepared and distributed for consumption by domesticated animal pets.**) Filed on January 7, 2004 by David L. Steyh and Suzann M. Steyh of Seattle. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 868 (**Statement of the Subject: Initiative Measure No. 868 concerns credit card interest. Concise Description: This measure would provide that the amount of interest charged for unsecured credit card balances could not exceed**

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twelve percent per year.) Filed on January 2, 2004 by Michael J. Thompson of Seattle. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 869 (Statement of the Subject: Initiative Measure No. 869 concerns health care financing. Concise Description: This measure would create a Washington health security trust to develop a health care plan for all state residents, funded by co-payments, assessments on employers and employees, and shifts of existing tax revenue.) Filed on January 2, 2004 by Harold Abbott of Everett. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 870 (Statement of the Subject: Initiative Measure No. 870 concerns the purchase of cigarettes or tobacco products. Concise Description: This measure would raise from eighteen to twenty-one the minimum at which a person can legally purchase or possess cigarettes or tobacco products.) Filed on January 15, 2004 by Laura A. Coleman of Olympia. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 871 (Statement of the Subject: Initiative Measure No. 871 concerns providing bonus compensation to teachers based on parent ratings. Concise Description: This measure would provide yearly bonus payments for public school teachers based on parent/guardian ratings, calculated as a percentage of average teacher salary, and funded by a sales tax increase of 0.15 percent.) Filed on January 13, 2004 by Donald D. Hansler of Spanaway. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 872 (Statement of the Subject: Initiative Measure No. 872 concerns elections for partisan offices. Concise Description: This measure would allow voters to select among all candidates in a primary. Ballots would indicate candidates' party preference. The two candidates receiving most votes advance to the general election, regardless of party.) Filed on January 8, 2004 by Terry Hunt of the Washington State Grange. The measure was submitted to the voters at the November 2, 2004 general election and approved by the following vote: For - 1,632,225 Against - 1,095,190

INITIATIVE MEASURE NO. 873 (Statement of the Subject: Initiative Measure No. 873 concerns an income tax. Concise Description: this measure Would direct the legislature to enact an income tax that would force those individuals and corporations controlling 95% of the money in he state to pay 95% of the taxes.) Filed on January 9, 2004 by David A. Whitman of Seattle. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 874 (Statement of the Subject: Initiative Measure No. 874 concerns taxes. Concise Description: This measure would declare that the following taxes shall be eliminated: sales tax, gasoline tax, small business tax, telephone tax, and real estate tax.) Filed on January 9, 2004 by David A. Whitman of Seattle. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 875 (Statement of the Subject: Initiative Measure No. 975 concerns taxes. Concise Description: This measure would declare that individuals with fifty thousand dollars or less in annual income, and couples with a combined income of less than ninety thousand dollars, would be exempt from paying taxes.) Filed on January 21, 2004 by David A. Whitman of Seattle. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 876 (Statement of the Subject: Initiative Measure No. 876 concerns the relationship between citizens and government. Concise Description: This measure would state that: government should stop threatening citizens with punishment; any language suggesting that government employees are protected more than ordinary citizens should be stricken; and that recall should be democratic.) Filed on February 6, 2004 by Javier O. Lopez of Lacey. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 877 (Statement of the Subject: Initiative Measure No. 877 concerns taxes. Concise Description: This measure would provide that no taxes should

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be raised in the state until the government proves to the citizens that it has become fiscally responsible.) Filed on February 6, 2004 by Javier O. Lopez of Lacey. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 878 **(Statement of the Subject: Initiative Measure No. 878 concerns elected offices and government. Concise Description: This measure would state that elected offices should be open to all citizens, that “the 10% fees” stop a citizen from running, and that government should not be in any type of business.)** Filed on February 6, 2004 by Javier O. Lopez. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 879 **(Statement of the Subject: Initiative Measure No. 879 concerns seat belt usage. Concise Description: This measure would repeal the existing requirement that adults (age 16 and over) wear safety (seat) belts in a properly adjusted and securely fastened manner when operating or riding in a motor vehicle.)** Filed on January 20, 2004 by John Mills of Seattle. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 880 **(Statement of the Subject: Initiative Measure No. 880 concerns school districts. Concise Description: This measure would make contract negotiations between school districts and educational employees subject to the Open Public Meetings Act beginning no later than seven days after negotiations have commenced.)** Filed on January 20, 2004 by John Mills of Seattle. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 881 **(Statement of the Subject: Initiative Measure No. 881 concerns retail sales tax on food products. Concise Description; This measure would expand the sales tax exemption for “food and food ingredients” to include prepared food, soft drinks and dietary supplements. This items would still be subject to use tax.)** Filed on January 20, 2004 by John Mills of Seattle. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 882 **(Statement of the Subject: Initiative Measure No. 882 concerns making the director of labor and industries an elected officer. Concise Description: This measure would provide that the director of labor and industries shall be elected by the people as a nonpartisan officer in the same way and for the same term as the governor.)** Filed on February 13, 2004 by Timothy D. Ford of Olympia. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 883 **(Statement of the Subject: Initiative Measure No. 883 concerns transportation spending. Concise Description: This measure would dedicate transportation project spending through adoption of vehicle-delay criteria, sale of \$10 billion in bonds, restrictions on designating high-occupancy vehicle lanes; and tax exemptions for transportation project labor and materials.)** Filed on February 2, 2004 by Richard E. Patten of Kirkland. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 884 **(Statement of the Subject: Initiative Measure No. 884 concerns dedicating funds designated for educational purposes. Concise Description: This measure would create an education trust fund for smaller classes, extended learning programs, certain salary increases, preschool access, and expanded college enrollments and scholarships, funded by increasing retail sales tax by 1%.)** Filed on February 27, 2004 by Lisa D. Macfarlane of Seattle. The measure was submitted to the voters at the November 2, 2004 general election and was rejected by the following vote: For - 1,102,996 and Against - 1,654,112

INITIATIVE MEASURE NO. 885 **(Statement of the Subject: Initiative Measure No. 885 concerns electronic lottery machines. Concise Description: This measure would authorize licensed non-tribal gambling establishments to operate the same type and number of electronic lottery machines as tribal governments, using generated state revenue to reduce the state property tax levy.)** Filed on March 1, 2004 by Tim D. Eyman

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of Mukilteo. Initiative was withdrawn by the sponsor.

INITIATIVE MEASURE NO. 886 (**Statement of the Subject: Initiative Measure No. 886 concerns a process to provide citizens' opinions to state government. Concise Description: This measure would establish a program, funded by fees and donations, whereby citizens can volunteer to meet in small groups and five their opinions on topics selected by the governor, auditor, and legislators.**) Filed on February 26, 2004 by Richard J. Spady of Bellevue. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 887 (**Statement of the Subject: Initiative Measure No. 887 concerns driving under the influence of alcohol. Concise Description: This measure would increase certain "driving under the influence" offenses to felonies, provide tax credits to establishments providing designated driver services, create designated driver programs, and impose new taxes on alcoholic beverage sales.**) Filed on February 27, 2004 by Allan Dyer of Kent. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 888 (Relating to Smoking) Filed on March 12, 2004 by Linda W. Matson. The initiative was withdrawn by the sponsor.

INITIATIVE MEASURE NO. 889 (**Statement of the Subject: Initiative Measure No. 889 concerns smoking in public places. Concise Description: This measure would generally prohibit smoking in public places where minors are allowed, and establish conditions when facilities could be designated for smoking in whole or part. Inconsistent local regulation would be prohibited.**) Filed on March 15, 2004 by James A. Stevenson of Tumwater. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 890 (**Statement of the Subject: Initiative Measure NO. 890 concerns amending the Clean Indoor Air Act by expanding smoking prohibitions. Concise Description: This measure would prohibit smoking inside buildings and vehicles open to the public and laces of employment and within reasonable distance outside their airway openings. Tribal establishments are not affected.**) Filed on March 15, 2004 by Patty M. Carlson of Tacoma. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 891 (**Statement of the Subject: Initiative Measure No. 891 concerns smoking in public places where minor are allowed. Concise Description: This measure would prohibit smoking in public places where minors are allowed, and establish conditions when facilities could be designated for smoking in whole or part. Inconsistent local laws would be prohibited.**) Filed on March 24, 2004 by Michael N. Matson, Sr. of Tumwater. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 892 (**Statement of the Subject: Initiative Measure No. 892 concerns authorizing additional "electronic scratch ticket machines" to reduce property taxes. Concise Description: This measure would authorize licensed non-tribal gambling establishments to operate the same type and number of machines as tribal governments, with a portion of tax revenue generated used to reduce state property taxes.**) Filed on March 23, 2004 by Tim D. Eyman of Mukilteo. The measure was submitted to the voters at the November 2, 2004 general election and was rejected by the following vote: For - 1,069,414 and Against - 1,711,785.

INITIATIVE MEASURE NO. 893 (**Statement of the Subject: Initiative Measure No. 893 concerns property tax homestead exemptions. Concise Description: This measure would allow property owners to file claims obtaining partial exemptions from the real property taxes that would otherwise be assessed on their residences, and describes how the exemptions would be calculated.**) Filed on March 9, 2004 by Steve Zemke of Seattle. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 894 (**Statement of the Subject: Initiative Measure No. 894 concerns changes to construction of high capacity transit projects. Concise Description: This measure would terminate high-capacity transit construction projects, including**

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certain existing light and commuter rail, if cost, ridership or route length differ by designated amounts from original plans. Voters could approve project continuation.)

Filed on March 29, 2004 by John F. Dodd of Seattle. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 895 (**Statement of the Subject: Initiative Measure No. 895 concerns changes to requirements for health insurance plans and rate adjustments. Concise Description: This measure would allow a seller of health plans to offer small employers a plan with less coverage of services and fewer categories of providers along with at least one more comprehensive plan.**) Filed on March 19, 2004 by Carolyn Ann Logue, Marsha Tellesbo-Kemmel and Gary L. Smith of Lacey. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 896 (**Statement of the Subject: Initiative Measure No. 896 concerns establishing an elected office of state inspector general. Concise Description: This measure would establish an inspector general, authorized to resolve complaints regarding governmental and private conduct, conduct hearings, issue fines and orders, and bring court actions, with appointments of women and minorities discouraged.**) Filed on April 8, 2004 by Maximus T. Englerius of Seattle. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 897 (**Statement of the Subject: Initiative Measure No. 897 concerns consumer credit reports. Concise Description: This measure would require consumer reporting agencies to provide each consumer (age seventeen or older), upon the consumer's request, with at least four free copies per calendar year of the consumer's credit report.**) Filed on June 15, 2004 by Jon T. Haugen of Vancouver. No signatures were submitted for checking.

INITIATIVE MEASURE NO. 898 (**Relating to raising the minimum age to possess tobacco products.**) Filed on June 15, 2004 by Jon T. Haugen of Vancouver. The initiative was filed too late to be assigned a ballot title.

INITIATIVE MEASURE NO. 899 (**Relating to tobacco taxes.**) Filed on June 15, 2004 by Jon T. Haugen of Vancouver. The initiative was filed too late to be assigned a ballot title.

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- *INITIATIVE TO THE LEGISLATURE NO. 1 (District Power Measure)**—Filed October 25, 1928. The 1929 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 4, 1930 state general election. Measure was approved into law by the following vote: **For**—152,487 **Against**—130,901. The act is now identified as Chapter 1, Laws of 1931.
- INITIATIVE TO THE LEGISLATURE NO. 1A (**Brewers' Hotel Bill**)—Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For**—48,354 **Against**—263,390.
- *INITIATIVE TO THE LEGISLATURE NO. 2 (Blanket Primary Ballot)**—Filed August 21, 1934. Passed by the Legislature February 21, 1935. Now identified as Chapter 26, Laws of 1935.
- INITIATIVE TO THE LEGISLATURE NO. 3 (**Tax Free Homes**)—Filed August 25, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 4 (**Unemployment Insurance**)—Filed September 5, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 5 (**Prohibiting Fishing with Purse Seines**)—Filed November 20, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE TO THE LEGISLATURE NO. 6 (**Legal Holiday on Saturday**)—Filed August 17, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 7 (**Pension for Blind**)—Filed October 7, 1938. Refiled as Initiative to the Legislature No. 8.
- INITIATIVE TO THE LEGISLATURE NO. 8 (**Pension for Blind**)—Filed October 10, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 9 (**Relating to Intoxicating Liquors**)—Filed December 8, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 10 (**Unicameral Legislature**)—Filed May 23, 1940. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 11 (**Reapportionment of State Legislative Districts**)—Filed July 8, 1942. No petition filed.
- *INITIATIVE TO THE LEGISLATURE NO. 12 (Public Power Resources)**—Filed August 29, 1942. Passed by the Legislature February 17, 1943. Now identified as Chapter 15, Laws of 1943. Act invalidated through Referendum Measure No. 25.
- INITIATIVE TO THE LEGISLATURE NO. 13 (**Restricting Sales of Beer and Wine to State Liquor Stores**)—This measure is the same as Initiative Measure No. 163 and was filed August 23, 1946. Signature petitions filed January 3, 1947. The 1947 Legislature failed to take action as provided by the state constitution the measure then was submitted to the voters for final decision at the November 2, 1948 state general election. Measure was defeated by the following vote: **For**—208,337 **Against**—602,141.
- INITIATIVE TO THE LEGISLATURE NO. 14 (**Reapportionment of State Legislative Districts**)—Filed September 19, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 15 (**Establishing a Civil Service System for the Employees of the State of Washington**)—Filed October 16, 1946. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 16 (**Providing for the Election of State Game Commissioners**)—Filed September 8, 1948. No signature petitions presented.
- INITIATIVE TO THE LEGISLATURE NO. 17 (**Regulating Legislative Committee Hearings**)—Filed October 16, 1948. No signature petitions filed.

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- INITIATIVE TO THE LEGISLATURE NO. 18 (**Petitioning Congress to declare that it is the policy of the United States to live in peaceful coexistence with other nations, etc.**)—This measure is the same as Initiative Measure No. 183 and was filed September 3, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 19 (**Repealing the Subversive Activities Act**)—Filed September 19, 1952. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 20 (**Legislative and Congressional Districting**)—Filed April 16, 1954. Sponsors dissatisfied with ballot title and, as a consequence, measure (with some minor changes, all occurring in section 5) was refiled as of May 17, 1954 and measure refiled as Initiative No. 22 to the Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 21 (**Professional Practice Boards**)—Filed April 20, 1954. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 22 (**Legislative and Congressional Districting**)—Filed May 17, 1954. No signature petitions presented for checking.
- *INITIATIVE TO THE LEGISLATURE NO. 23 (**Civil Service for Sheriff's Employees**)—Measure filed August 7, 1956. Signature petitions filed December 5, 1956, and found sufficient. The 1957 Legislature failed to take action, and as provided by the state constitution the measure was then submitted to the voters for final decision at the November 4, 1958 state general election. Measure was approved by the following vote: **For**—539,640 **Against**—289,575. Act is now identified as Chapter 1, Laws of 1959.
- INITIATIVE TO THE LEGISLATURE NO. 24 (**Limiting Dams in Fish Sanctuaries**)—Measure filed September 18, 1956. Signature petitions containing approximately 85,600 signatures filed January 3, 1957. However, attorney general ruled that provisions of the 30th amendment to the state constitution approved by the voters at the 1956 state general election applied at the time signatures were presented. This amendment provided that the number of signatures necessary to validate an initiative must be equal to at least 8% of the votes cast on the position of governor at the last preceding gubernatorial election. This computation set the necessary number as 90,319 valid signatures. Sponsors appealed to the State Supreme Court which held that the attorney general was correct. For this reason the Secretary of State did not check signature petitions and the initiative was not certified to the 1957 Legislature.
- *INITIATIVE TO THE LEGISLATURE NO. 25 (**Dam Construction and Water Diversion**)—Measure filed April 3, 1958. Signature petitions filed January 2, 1959 and upon completion of canvass found sufficient. The 1959 Legislature failed to take final action and as provided by the state constitution the measure was submitted to the voters for final decision at the November 8, 1960 state general election. Measure was approved by the following vote: **For**—526,130 **Against**—483,449. Act is now identified as Chapter 4, Laws of 1961.
- INITIATIVE TO THE LEGISLATURE NO. 26 (**Abolishing Capital Punishment**)—Measure filed March 10, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 27 (**Restricting Federal Taxation and Activities**)—Measure filed June 27, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 28 (**Civil Service for County Employees**)—Measure filed July 1, 1960. No signature petitions presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 29 (**Repealing Certain 1961 Tax Laws**)—Filed March 27, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.
- INITIATIVE TO THE LEGISLATURE NO. 30 (**Reorganization of State Fisheries Department**)—Filed May 28, 1962 by the Washington State Sportsmen's Council. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.

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- INITIATIVE TO THE LEGISLATURE NO. 31 (**Laws Regulating Courts—Judges—Attorneys**)—Filed May 17, 1966 by Walter H. Philipp of Seattle. This was, in effect, a refiled of Initiative Measure No. 232 and again no signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 32 (**Local Processing of State Timber**)—Filed May 31, 1966 by the Committee for Full Employment in Washington. Signatures (136,181) filed December 30, 1966 and found sufficient. The 1967 Legislature failed to take final action and, as provided by the state constitution, the measure was submitted to the voters for final decision at the November 5, 1968 state general election. Measure was rejected by the following vote: **For**—450,559 **Against**—716,291.
- INITIATIVE TO THE LEGISLATURE NO. 33 (No caption written)—Filed July 1, 1966 by George A. Guilmet of Edmonds. This was a proposed memorial to Congress concerning "the ending of the war now being waged by the United States Government and its armed forces in Vietnam and Southeast Asia." However, the office of the attorney general reversed its position in that a similar measure was filed in 1952 (Initiative to the Legislature No. 18) and declined to issue a ballot title on the grounds that the subject matter was not a proper subject to fall within the scope of the initiative procedure. As a consequence, the secretary of state returned the measure and filing fee to the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 34 ("**Personal Effects**" **Tax Exemption**)—Filed March 20, 1968 by the Committee Against Unfair Personal Property Tax. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 35 (**State Citizens—War and Taxes**)—Filed April 28, 1970 by the Seattle Liberation Front—William Edward Kononen, Initiative Circulation Chairman. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 36 (**Licensing Dog Racing—Parimutuel Betting**)—Filed July 3, 1970 by Donald Nicholson of Kirkland. Because of technical errors, measure was refiled August 18, 1970 as Initiative to the Legislature No. 39.
- INITIATIVE TO THE LEGISLATURE NO. 37. (**Transportation Revenues—Use and Distribution**)—Filed July 9, 1970 by William L. McCord and William L. Harrington, Co-sponsors. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 38 (**Certain Cities—Greyhound Racing Franchises**)—Filed July 31, 1970 by Herbert B. Shannon of Medina. Signatures (121,077) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 39 (**Licensing Dog Racing—Parimutuel Betting**)—Filed August 18, 1970 by Donald Nicholson and Dr. Lawrence Pirkle, Co-sponsors. Signatures (124,394) filed December 31, 1970. Checking revealed insufficient valid signatures submitted and the initiative was not certified to the 1971 Legislature.
- INITIATIVE TO THE LEGISLATURE NO. 40 (**Litter Control Act**)—Filed August 20, 1970 by the Washington Committee to Stop Litter—Irving B. Stimpson, Secretary. Signatures (141,228) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action insofar as Initiative Measure No. 40 but did pass an alternative measure No. 40B now identified as Chapter 307, Laws of 1971 1st Extraordinary Session, which contained an emergency clause and became effective law upon approval of the Governor on May 21, 1971. However, as required by the state constitution, both measures were submitted to the voters for final decision at the November 7, 1972 state general election. The votes cast on the original measure and the alternative proposal were as follows:

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For Either	Against Both	Prefer No. 40	Prefer No. 40B
_____	_____	_____	_____
788,151	418,764	194,128	798,931

As a consequence, Alternative Measure No. 40B prevailed which sustained Chapter 307, Laws of 1971 1st Extraordinary Session, as law.

INITIATIVE TO THE LEGISLATURE NO. 41 (**Public Schools—Certain Courses Curtailed**)—Filed September 4, 1970 by the Schools Belong to You Committee of the State of Washington—Dale R. Dorman, Chairman. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 42—Filed September 21, 1970 by the Washington Environmental Council. Refined September 25, 1970 as Initiative to the Legislature No. 43.

INITIATIVE TO THE LEGISLATURE NO. 43 (**Regulating Shoreline Use and Development**)—Filed September 25, 1970 by the Washington Environmental Council. Signatures (160,421) filed December 31, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The legislature took no action insofar as Initiative No. 43 but did pass an alternative measure No. 43B now identified as Chapter 286, Laws of 1971 1st Extraordinary Session, which became effective law as of June 1, 1971. However, as required by the state constitution both measures were submitted to the November 7, 1972 state general election. The votes cast on the original measure and the alternative proposal were as follows:

For Either	Against Both	Prefer No. 40	Prefer No. 40B
_____	_____	_____	_____
603,167	551,132	285,721	611,748

As a consequence, Alternative Measure No. 43B prevailed which sustained Chapter 286, Laws of 1971 1st Extraordinary Session, as law.

***INITIATIVE TO THE LEGISLATURE NO. 44 (Statutory Tax Limitation—20 Mills)**—Filed October 15, 1970 by the 40-Mill Tax Limit Committee—Lester P. Jenkins, Secretary. Signatures (229,785) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action and, as provided by the state constitution, the initiative was submitted to the voters for final decision at the November 7, 1972 state general election and approved by the following vote: **For—930,275 Against—301,238**. Act is now identified as Chapter 2, Laws of 1973.

INITIATIVE TO THE LEGISLATURE NO. 45 (**Restoration of Law Prohibiting Hitchhiking**)—Filed July 10, 1972 by Mildred C. Trantow, President, Washington State Chapter of Pro America. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 46 (**Restricting School District Excess Levies**)—Filed July 25, 1972 by Representative Paul Barden and Representative Vaughn Hubbard, Co-sponsors. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 47 (**Shall public schools be prohibited from teaching either the theory of evolution or that of creation unless both are taught?**)—Filed April 3, 1974 by Ward E. Ellsworth. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 48 (**Shall state financial support for public schools be greatly increased for 1975-77 and school district excess levies restricted after 1975?**)—Filed April 9, 1974 by the Committee for State School Support. No signatures presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 49 (**Shall an initiative be adopted declaring persons ineligible for election to given state offices for more than 12 consecutive years?**)—Filed July 5, 1974 by Senator Peter von Reichbauer. No signatures presented for checking.

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- INITIATIVE TO THE LEGISLATURE NO. 50 (**Shall greyhound dog racing, with parimutuel betting, be permitted when licensed by a state commission and subject to its control?**)—Filed July 16, 1974 by Donald Nicholson. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 51 (**Constitutional Amendment—Qualifications of Legislators**)—Filed March 11, 1976 by Harley H. Hoppe of Mercer Island. Attorney General declined to prepare ballot title.
- INITIATIVE TO THE LEGISLATURE NO. 52 (**Shall commercial fishing for or taking of food fish, crab or shrimp in Hood Canal be prohibited?**)—Filed April 15, 1976 by J.L. Parsons of Union, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 53 (**Shall special levies be limited, and additional state support provided to most districts which approve such limited levies?**)—Filed April 21, 1976 by Representative Phyllis K. Erickson of Tacoma. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 54 (**Shall an initiative be adopted prohibiting holding most state offices longer than twelve years and judicial offices past age 70?**)—Filed April 28, 1976 by Jack Metcalf of Langley, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 55 (**Shall persons convicted of certain felonies be imprisoned for a mandatory period of years?**)—Filed May 7, 1976 by Senator Kent Pullen of Kent, WA. Refiled as Initiative to the Legislature No. 56.
- INITIATIVE TO THE LEGISLATURE NO. 56 (**Shall persons convicted of most felonies be imprisoned for a mandatory period of years?**)—Filed June 1, 1976 by Senator Kent Pullen of Kent, WA. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 57 (**Shall an initiative be adopted providing that special legislative sessions, however convened, be limited to thirty days and specific subjects?**)—Filed July 14, 1976 by Senator Harry Lewis of Olympia. No signatures presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 58 (**Shall an initiative be adopted memorializing the legislature to impeach and remove King County Superior Court Judge Solie M. Ringold?**)—Filed July 14, 1976 by Paul O. Snyder of Seattle. No petition submitted.
- *INITIATIVE TO THE LEGISLATURE NO. 59 (**Shall new appropriations of public water for nonpublic agricultural irrigation be limited to farms of 2,000 acres or less?**)—Filed August 16, 1976 by Ray Hill of Seattle. Signatures (191,012) submitted and found sufficient and measure was certified to the legislature January 14, 1977. The legislature referred this measure to the 1977 state general election ballot. At the November 8, 1977 general election the measure was approved by the following vote: **For**—457,054 **Against**—437,682. Act is now identified as Chapter 3, Laws of 1979.
- INITIATIVE TO THE LEGISLATURE NO. 60 (**Shall an initiative be adopted authorizing a legislator to convene a grand jury to consider allegations of improper judicial conduct?**)—Filed March 28, 1978 by Mr. Gerald P. Hanson of Maple Valley. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 61 (**Shall a system requiring a minimum five cent refund on sales of beer, malt and carbonated beverage containers be established?**)—Filed May 1, 1978 by Mr. Steve Zemke of Seattle. Signatures (164,325) submitted and a random sample of 8,180 was taken and found sufficient and measure was certified to the Legislature on February 19, 1979. The legislature referred this measure to the 1979 state general election ballot. At the November 6, 1979 general election the measure was rejected. The preliminary figures for the vote are: **For**—333,062 **Against**—427,822.
- *INITIATIVE TO THE LEGISLATURE NO. 62 (**Shall state tax revenues be limited so that increases do not exceed the growth rate of total state personal income?**)—Filed June 1, 1978 by Ron Dunlap and Ellen Craswell of the Washington Tax Limitation Committee.

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Signatures (169,456) submitted and found sufficient and measure was certified to the legislature on January 18, 1979. The legislature referred this measure to the 1979 state general election ballot. At the November 6, 1979 general election the measure was approved. The preliminary figures for the vote are: **For**—509,349 **Against**—235,431. Act is now identified as Chapter 1, Laws of 1980.

INITIATIVE TO THE LEGISLATURE NO. 63 (**Shall participation in the state militia and law enforcement units not be denied to persons by reason of physical handicaps?**)—Filed June 28, 1978 by Mr. Daniel M. Jones of Olympia. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 64—Attorney General refused to write a ballot title.

INITIATIVE TO THE LEGISLATURE NO. 65 (**Shall state school levies be subject to the same six percent annual increase limit as other regular property tax levies?**)—Filed July 12, 1978 by Mr. Ron Dunlap and Mrs. Ellen Craswell. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 66 (**Shall the Consumer Protection Act be amended to provide trebled actual damages in private actions and define specific unlawful acts?**)—Filed July 14, 1978 by Mr. Norman L. Bachert of Seattle. No signatures were brought in for checking.

INITIATIVE TO THE LEGISLATURE NO. 67 (**Shall an initiative be adopted providing for the recall of United States senators and representatives during legislatively called special elections?**)—Filed July 27, 1978 by Mr. Victor J. Bonagofski of Centralia. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 68 (**Shall property tax assessments be based on 1976 values, with certain exceptions and assessment increases limited to 2% per year?**)—Filed July 21, 1978 by Mr. Bruce Gould of Vancouver. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 69 (**Shall single family dwellings and farm buildings be tax exempt, and state and local taxing and borrowing powers be restricted?**)—Filed July 26, 1978 by Mr. Gerald P. Hanson of Maple Valley. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 70 (**Shall the rates of state sales and business taxes temporarily be reduced 22.2% and 25% respectively during the year 1980?**)—Filed August 11, 1978 by Mr. Paul Sanders of Bellevue. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 71 (**Shall property taxes be based on 1976 values limited to 2% annual increases, and other property tax changes be enacted?**)—Filed August 16, 1978 by Mr. J. Van Self of Tacoma. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 72 (**Shall state school levies be limited to 6% annual increases and disabled retirees or elderly property tax exemptions be increased?**)—Filed November 20, 1978 by Mr. Claude Oliver of Kennewick. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 73 (**Shall Government Agencies, Employees, and Private Individuals be Prohibited from Promoting Certain Sexual Practices, and the Age of Consent Raised?**)—Filed May 13, 1980 by David Estes of Seattle. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 74 (**Shall There be Mandatory Minimum Prison Sentences for Certain Felonies, Expanded Concealed Weapons' Permits and State Preemption of Firearms' Regulation?**)—Filed July 31, 1980 by Kent Pullen of Kent, WA. No signatures presented for checking.

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- INITIATIVE TO THE LEGISLATURE NO. 75 (**Shall the Crime Victims Compensation Act be extended to crimes committed after July 1, 1981, and its coverage be broadened?**)—Filed September 4, 1981 by Manuel E. Costa of Marysville. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 76 (**Shall the legislature petition Congress to amend the Constitution, or call a constitutional convention, to require a balanced federal budget?**)—Filed March 12, 1982 by Harry Erwin Truitt of Seattle. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 77 (**Shall public employee compensation be reduced or frozen if state expenditures exceed revenues or new taxes are imposed or authorized?**)—Filed March 22, 1982 by Glenn Blubaugh of Tacoma. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 78 (**Shall the present state owned and operated liquor distribution system be abolished and replaced with licensed privately owned liquor dealers?**)—Filed May 27, 1982 by Robert J. Corcoran of Puyallup. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 79 (**Shall employers have the option, effective July 1, 1984, of securing private insurance to meet the state requirements for workmen's compensation?**)—Filed September 29, 1982 by Richard M. Farrow of Seattle. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 80 (**Unemployment Insurance**)—Filed September 29, 1982 by Richard C. King of Seattle. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 81 (**Political Contributions**)—Filed September 29, 1982 by R. M. (Dick) Bond of Spokane. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 82 (**Public Purchasing**)—Filed September 29, 1982 by Priscilla K. Stockner of Puyallup. Initiative withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 83 (**Shall the 1983-85 state general operating budget be limited by statute to a maximum of 109% of the 1981-83 budget?**)—Filed September 29, 1982 by Charles I. McClure of Tacoma. No signatures were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 84 (**Shall state policies regarding natural resource management, Indian rights, federal court decisions, and the expenditure of state funds be enacted?**)—Filed May 13, 1983 by John B. Mitchum of Mt. Vernon. Sponsors have until December 31, 1983 to submit signatures.
- INITIATIVE TO THE LEGISLATURE NO. 85 (**Shall the legislature be directed to petition Congress to call a convention to propose a balanced federal budget constitutional amendment?**)—Filed June 7, 1983 by James R. Medley of Seattle. Sponsors have until December 31, 1983 to submit signatures.
- INITIATIVE TO THE LEGISLATURE NO. 86 (**Shall the legislature submit a state constitutional amendment requiring taxes be approved by voters and full funding of retirement systems?**)—Filed August 17, 1984 by James L. King, Jr. of Tacoma. No signatures were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 87 (**Shall juvenile diversion agreements require home or nonsecurity residency or placement in secure facilities if a juvenile thereafter runs away?**)—Filed October 19, 1984 by Theresa J. Green of Seattle. No signatures were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 88 (**Shall candidates for legislative and state executive offices be prohibited from receiving more than specified maximum campaign contributions and loans?**)—Filed March 25, 1985 by Roger J. Douglas of Olympia. No signatures were presented for checking.

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INITIATIVE TO THE LEGISLATURE NO. 89. (**Shall the legislature submit a constitutional amendment requiring voter approval of new taxes and full funding of state retirement systems?**)—Filed June 20, 1985 by James L. King, Jr. of Tacoma. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 90. (**Shall sales and use taxes be increased, 1/8th of 1%, to fund comprehensive fish and wildlife conservation and recreation programs?**)—Filed July 22, 1985 by John C. McGlenn of Seattle. 211,299 signatures were submitted and found sufficient and the measure was certified to the legislature on January 24, 1986. The legislature referred this measure to the 1986 general election ballot. At the November 4, 1986 general election the measure was defeated by the following vote: **For**—493,794. **Against**—784,382.

INITIATIVE TO THE LEGISLATURE NO. 91. (**Shall the state administered workers industrial insurance compensation system be modified and employers be granted the option of privately insuring?**)—Filed August 9, 1985 by Donald D. Eldridge of Olympia. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 92. (**Shall it be a consumer protection violation for doctors treating Medicare eligible patients to charge more than Medicare's reasonable charges?**)—Filed March 31, 1986 by Lars Hennem of Seattle. 219,716 signatures were submitted and were found sufficient and the measure was certified to the legislature on January 15, 1987.

INITIATIVE TO THE LEGISLATURE NO. 93 (**Shall courts be authorized to require that convicted felons after release from prison be subject to restrictions and state supervision?**)—Filed May 5, 1986 by Stuart A. Halsan of Centralia. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 94 (**Shall conviction for possessing more than five ounces of, or selling, "dangerous drugs" result in at least five years imprisonment?**)—Filed August 22, 1986 by Clyde Ballard of East Wenatchee. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 95 (**Shall denturists be licensed, dental hygienists' activities be expanded, and both be permitted to function without supervision of a dentist?**)—Filed on April 17, 1987 by Kenneth S. MacPherson of Redmond. No signatures were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 96 (**Cleanup of Toxic Waste**)—Filed on July 16, 1987 by David A. Bricklin of Seattle. Initiative refiled as Initiative 97.

***INITIATIVE TO THE LEGISLATURE NO. 97 (Shall a hazardous waste cleanup program, partially funded by a 7/10 of 1% tax on hazardous substances, be enacted?)**—Filed on August 13, 1987 by Christine Platt of Olympia. 215,505 signatures were submitted and were found sufficient. The measure was certified to the legislature on February 8, 1988. The act is now identified as Chapter 2, Laws of 1989.

INITIATIVE TO THE LEGISLATURE NO. 98 (**Shall conversations concerning controlled drugs be recordable with one party's consent and limited court use of unauthorized recordings be permitted?**)—Filed on April 1, 1988 by Frank Kanekoa of Olympia. Sponsor failed to submit signatures for checking.

***INITIATIVE TO THE LEGISLATURE NO. 99 (Shall a state presidential preference primary election determine each presidential candidate's percentage of delegates to major party national conventions?)**—Filed on April 24, 1988 by Ross E. Davis of Seattle and Joe E. Murphy of Seattle. 202,872 signatures were submitted and found sufficient. The measure was certified to the legislature on February 6, 1989 and was passed by the legislature on March 31, 1989. The act is now identified as Chapter 4, Laws of 1989.

INITIATIVE TO THE LEGISLATURE NO. 100 (**Shall private property rights be a compelling**

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state interest restricting eminent domain, state agreements with governments, and some agency rules?)—Filed on April 11, 1988 by Neil Amondson of Centralia. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 101 (**Shall mandatory minimum jail sentences be required for some drug offenses including possessing materials or equipment to illegally manufacture drugs?**)—Filed on May 5, 1988 by James K. Linderman of Yacolt. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 102 (**Shall the state support of children and family services, including some education programs, be increased by \$360,000,000 in new taxes?**)—Filed on June 24, 1988 by Jon LeVeque of Seattle. 217,143 signatures were submitted and found sufficient. The measure was certified to the Legislature on January 20, 1989. The legislature referred the measure to the 1989 general election ballot. At the November 7, 1989 general election the measure was defeated by the following vote: **For—349,357 Against—688,782.**

INITIATIVE TO THE LEGISLATURE NO. 103 (**Shall rent increases in mobile home parks be prohibited until June 30, 1990 and thereafter increases would require a state board's approval?**)—Filed on July 8, 1988 by Shirley J. Johnson of Everett. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 104 (**Shall proposed thermal power plants be required to demonstrate that their operation will not increase carbon dioxide in the atmosphere?**)—Filed on August 22, 1988 by Allen W. Hayward of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 105 (**Regarding attorneys as members of the Legislature**)—Filed on July 20, 1988 by Eugene Goosman of Seattle. Attorney General refused to write ballot title on the grounds that the initiative proposed to amend the Constitution.

INITIATIVE TO THE LEGISLATURE NO. 106 (**Shall the state issue tax obligation bonds and use the proceeds for consumer grants, state projects, reinvestment and bond expenses?**)—Filed on August 23, 1988 by Steven A. Tracy of Longview. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 107 (**Shall new limitations be imposed upon the adoption of state and local rules and ordinances restricting property rights of landowners?**)—Filed on September 12, 1988 by Ellen Pickell of Hoquiam and Neil Amondson of Centralia. Sponsors failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 108 (**Shall a toll bridge connecting Bainbridge Island to land east of Bremerton be financed by \$22,000,000 and general obligation bonds?**)—Filed on September 29, 1988 by T. H. Tees of Bremerton. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 109 (**Shall women considering abortion be advised by the physician of their opportunity to receive certain information about abortion and alternatives?**)—Filed on April 19, 1989 by Mike Padden of Spokane. 153,619 signatures were submitted and were found insufficient to qualify the measure for the state general election ballot.

INITIATIVE TO THE LEGISLATURE NO. 110 (**Regarding a mandatory sentence for the manufacture or sale of narcotics.**)—Filed on April 3, 1989 by James Linderman, Sr. of Yacolt. Sponsor abandoned this initiative and refiled it as Initiative to the Legislature No. 111.

INITIATIVE TO THE LEGISLATURE NO. 111 (**Shall mandatory minimum jail sentences and fines be required for certain drug offenses and other drug maximum sentences be increased?**)—Filed on May 10, 1989 by James K. Linderman, Sr. of Yacolt. Sponsor failed

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to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 112 (**Shall the state regulate oil refiners' prices, rates, services and practices dealing with, or charged to, retail motor fuel outlets?**)—Filed on May 25, 1989 by Timothy Hamilton of McCleary. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 113 (**Shall certain drug offenses have mandatory jail sentences, other drug sentences increased, and penalties paid to local jurisdiction drug funds?**)—Filed on June 23, 1989 by James K. Linderman, Sr. of Yacolt. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 114 (**Regarding the burning or defacing of the American flag.**)—Filed on June 30, 1989 by Carl R. Barbee of Seattle. The Attorney General declined to write a ballot title.

INITIATIVE TO THE LEGISLATURE NO. 115 (**Shall the state and local tax rates on commercial and residential buildings and new construction be reduced at least 50%?**)—Filed on July 11, 1989 by Charles Caussey of Spokane. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 116 (**Shall child support laws be revised, including a disregarding of parents' income in fixing a schedule for child support payments?**)—Filed on August 21, 1989 by William Harrington of Lynnwood. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 117 (**Shall political contributions be limited regarding amount, timing and residency of contributors, and elected officials restricted on mailings and honoraria?**)—Filed on September 12, 1989 by Robert E. Adams of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 118 (**Shall state and local tax rates, fees and charges be reduced to January 1, 1990 rates, and increases require 60% voter approval?**)—Filed on March 14, 1990 by Judith Anderson of Bush Prairie. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 119 (**Shall adult patients who are in a medically terminal condition be permitted to request and receive from a physician aid-in-dying?**)—Filed on March 14, 1990 by Bradley K. Robinson of Seattle. 218,327 signatures were submitted and found sufficient. The measure was certified to the legislature on February 8, 1991. The legislature referred the measure to the 1991 general election ballot. At the November 5, 1991 general election the measure was defeated by the following vote: **For**—701,808 **Against**—810,623.

*INITIATIVE TO THE LEGISLATURE NO. 120 (**Shall state abortion laws be revised, including declaring a woman's right to choose physician performed abortion prior to fetal viability?**)—Filed on April 2, 1990 by Lee Minto of Seattle. 242,004 signatures were submitted and found sufficient. The measure was certified to the legislature on February 8, 1991. The legislature referred the measure to the 1991 general election ballot. At the November 5, 1991 general election the measure was approved by the following vote: **For**—756,812 **Against**—752,590.

INITIATIVE TO THE LEGISLATURE NO. 121 (**Shall mandatory minimum jail sentences and fines be required for certain drug offenses and other drug maximum sentences be increased?**)—Filed on April 17, 1990 by James K. Linderman of Yacolt. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 122 (**Shall jurors be advised they could consider the merits of laws and the wisdom of applying laws to a defendant?**)—Filed on April 19, 1990 by Richard Shepard of Tacoma. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 123 (**Shall constitutional impact statements be**

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- required before adopting or implementing governmental policies which effect a taking or deprivation of property?)**—Filed on May 11, 1990 by Merrill H. English of Dayton. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 124 (**Shall changes be made relating to real property taxes, including valuing property as its purchase price and any improvement costs?**)—Filed on May 30, 1990 by Karl Thun of Graham. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 125 (**Shall private vehicles be required to purchase automobile insurance from a newly created state administrated program, and \$200,000,000 be appropriated?**)—Filed on August 1, 1990 by Edward G. Patton of Yakima. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 126 (**Shall political contributions be limited regarding amount, timing, and contributor's voting residence and elected officials mailings and honoraria be restricted?**)—Filed on August 9, 1990 by Robert E. Adams of Bellevue. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 127 (**Shall property value for tax purposes be, the January 1, 1985 value or subsequent sales price, with future cost of living adjustments?**)—Filed on August 14, 1990 by Marijcke V. Clapp of Seattle. The initiative was refiled as Initiative to the Legislature No. 129.
- INITIATIVE TO THE LEGISLATURE NO. 128 (**Shall mandatory minimum jail sentences and fines be required for certain drug offenses and other drug maximum sentences be increased?**)—Filed on August 21, 1990 by James K. Linderman of Yacolt. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 129 (**Shall property value for tax purposes be the January 1, 1985 value or subsequent sales price, adjusted for cost of living changes?**)—Filed on September 12, 1990 by Marijcke V. Clapp of Seattle. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 130 (**Shall real property be assessed at 70% of true and fair value and increases in property tax rates be limited?**)—Filed on August 29, 1990 by Pam Roach of Auburn. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 131 (**Shall mandatory minimum prison sentences and fines be required for certain drug offenses and some maximum drug sentences be increased?**)—Filed on March 18, 1991 by James K. Linderman, Sr. of Yacolt. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 132 (**Shall no strike pledges be required in all teaching contracts at state-supported institutions of learning and violations cause employment terminations?**)—Filed on April 16, 1991 by Glenn L. Blubaugh of Tacoma. Sponsor failed to submit signatures for checking.
- INITIATIVE TO THE LEGISLATURE NO. 133 (**Shall there be restrictions on contributions to legislators, state officials, and candidates, and on other campaign related activities and financing?**)—Filed on April 29, 1991 by Arthur Wuerth of Olympia. Sponsor failed to submit signatures for checking.
- *INITIATIVE TO THE LEGISLATURE NO. 134 (Shall campaign contributions be limited; public funding of state and local campaigns be prohibited; and campaign related activities be restricted?)**—Filed on June 7, 1991 by Carl R. Erickson of Olympia. 227,060 signatures were submitted and found sufficient. The measure was certified to the legislature on January 29, 1992. The legislature referred the measure to the 1992 general election ballot. At the November 3, 1992 general election the measure was approved by the following vote: **For**—1,549,297 **Against**—576,161.
- INITIATIVE TO THE LEGISLATURE NO. 135 (**Shall a transaction tax, not exceeding 1%,**

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levied on the transfers of money and property replace present state authorized taxes?—Filed on June 24, 1991 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 136 (Shall cannabis (marijuana) be legalized for adults and taxed; amnesty provided for prior cannabis convictions, and cannabis testing be prohibited?—Filed on June 24, 1991 by Kevin Clark Keyes of Bellingham. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 137 (Shall inmates with indeterminative sentences change to determinative sentences, and sentences which are outside the standard sentencing range be reviewed?—Filed on August 7, 1991 by Carrie D. Roth of Kent. This measure was refiled as Initiative to the Legislature No. 139.

INITIATIVE TO THE LEGISLATURE NO. 138 (Shall private vehicles be required to have automobile insurance purchased from a new state administrated program, and \$200,000,000 be appropriated?—Filed on August 12, 1991 by Ed G. Patton of Yakima. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 139 (Shall the criminal sentences for offenses committed prior to July 1, 1984 be changed; and the Indeterminate Sentencing Review Board be abolished?—Filed on October 29, 1991 by Carrie D. Roth of Kent. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 140 (Shall the Legislature be directed to vote on whether Washington should request Congress to propose a balanced budget constitutional amendment?—Filed on April 29, 1992 by Dianne E. Campbell of Woodinville. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 141 (Shall a cost controlled health benefits system, publicly and privately financed, as designed by the Governor, cover all state residents?—Filed on June 11, 1992 by Dennis Braddock of Bellingham. The sponsor submitted 159,308 signatures for checking and they were found insufficient to qualify the measure to be submitted to the 1993 legislature.

INITIATIVE TO THE LEGISLATURE NO. 142 (Shall circumcision of a minor without the minor's consent be a crime and a civil action for damages be provided?—Filed on June 17, 1992 by Theodore Pong of Kirkland. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 143 (Shall a transaction tax, not exceeding 1% be charged for receiving property or money, and state authorized taxes be repealed?—Filed on June 23, 1992 by Clarence P. Keating of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 144 (Shall state and local tax levy rates on commercial and residential buildings, including new construction, be reduced by 50 percent?—Filed on July 20, 1992 by Charles Caussey of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 145 (Shall the sale of cigarettes and other tobacco products be restricted to only state liquor stores and licensed tobacco shops?—Filed on October 9, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 146 (Shall state law declare tobacco to be an addictive drug with adverse health consequences and should tobacco use be discouraged?—Filed on October 9, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 147 (Shall it be criminal to sell or supply cigarettes or tobacco to persons under 21, whose possession would be unlawful?—Filed on October 9, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for

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checking.

INITIATIVE TO THE LEGISLATURE NO. 148 (**Shall a 100% tax be imposed on the price of cigarettes and tobacco products for health care and tobacco education?**)—Filed on October 9, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 149 (**Shall retail stores selling food, gasoline or medications be prohibited from selling cigarettes and tobacco products and penalties be provided?**)—Filed on October 9, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 150 (**Shall cigarette and tobacco advertising be prohibited in or on any building or vehicle supported by state or local taxes?**)—Filed on October 9, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 151 (**Shall cigarette wholesalers and retailers be prohibited from selling unpackaged cigarettes either singly or in groups of less than twenty?**)—Filed on October 27, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 152 (**Shall retail sales of cigarettes and tobacco products be made only by state liquor stores and licensed specialty tobacco shops?**)—Filed on October 29, 1992 by Susan Lee Mercer of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 153 (**Shall state agencies relating to natural resources and outdoor recreation be merged under the responsibility of the public lands commissioner?**)—Filed on March 12, 1993 by John L. Frost of Tumwater. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 154 (**Relating to the support of children**)—Filed on May 27, 1993 by Michael A. Frederick of Seattle. No ballot title was written.

INITIATIVE TO THE LEGISLATURE NO. 155 (**Shall prosecutors be required to strictly adhere to the statutory prosecuting standards, and shall their duties regarding arrests be modified?**)—Filed on July 27, 1993 by Donald E. Jewett of Langley. The sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 156 (**Shall public schools be required to provide instruction from the Bible as a basis for values, morals and character development?**)—Filed on March 9, 1994 by Edward "Randy" McLeary of Kent. The sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 157 (**Shall the State assume control of the sale, and impose new regulations on possession of all ammunition in the state?**)—Filed on March 9, 1994 by David L. Ross of Seattle. The sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 158 (**Shall the code reviser be directed to provide copies of uncodified portions of this and other acts to individual legislators?**)—Filed on March 25, 1994 by Lawrence Allred of Olympia. The sponsor failed to submit signatures for checking.

***INITIATIVE TO THE LEGISLATURE NO. 159 (Shall penalties and sentencing standards be increased for crimes involving a firearm, and sentences and plea agreements be public records?)**—Filed on April 8, 1994 by David LaCourse, Jr. of Mercer Island. 235,993 signatures were submitted and found sufficient. The measure was certified to the legislature on January 23, 1995. The act is now identified as Chapter 129, Laws of 1995.

INITIATIVE TO THE LEGISLATURE NO. 160 (**Shall the State apply to Congress for a constitutional convention to replace Congressional voting power with direct popular**

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voting?)—Filed on March 29, 1994 by William R. Walker of Seattle. The sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 161 (**Shall libraries be fully subject to chapter 9.68 RCW, which requires labelling erotic material and restricts its distribution to minors?**)—Filed on April 6, 1994 by Stephen W. Mosier of Brush Prairie. The initiative was withdrawn by the sponsor.

INITIATIVE TO THE LEGISLATURE NO. 162 (**Shall local taxing districts be required, before incurring any debt, to obtain voter assent at a primary or general election?**)—Filed on April 26, 1994 by Dave C. McGregor of Seattle. Refiled as Initiative to the Legislature No. 163.

INITIATIVE TO THE LEGISLATURE NO. 163 (**Shall additional limits be placed on the authority of counties, cities, and towns, and certain other municipalities to incur debt?**)—Filed on June 6, 1994 by Dave C. McGregor of Seattle. The sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 164 (**Shall government be restricted in land use regulation and required to pay for property value reductions attributable to certain regulations?**)—Filed on August 2, 1994 by Dan W. Wood of Hoquiam. 231,723 signatures were submitted and found sufficient. The measure was certified to the Legislature on February 13, 1995 and was passed by the Legislature on April 19, 1995. The act is now identified as Chapter 98, Laws of 1995. Referendum Measure No. 48 was subsequently filed against Initiative to the Legislature No. 164 and was submitted to the voters at the November 7, 1995 General Election. Referendum Measure No. 48 was rejected by the following vote: **For**—544,788 **Against**—796,869. As a consequence, Chapter 98, Laws of 1995 did not become law.

INITIATIVE TO THE LEGISLATURE NO. 165 (**Shall the uniform health care benefits package be required to include all licensed forms of health care, and made optional?**)—Filed on August 25, 1994 by Harold Mills of Bellevue. The sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 166 (**Shall government be prohibited from according rights or protections based on sexual orientation, and schools from presenting homosexuality as acceptable?**)—Filed on March 8, 1995 by Peg O. Bronson of Lake Stevens. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 167 (**Shall government be prohibited from placing children for adoption or foster care with any homosexuals or with cohabiting unmarried partners?**)—Filed on March 8, 1995 by Samuel P. Woodard, Sr. of Ariel. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 168 (**Shall certain laws be repealed which restrict or tax the transportation, sale, possession, or carrying of firearms, with certain exceptions?**)—Filed on March 8, 1995 by Samuel P. Woodard, Sr. of Ariel. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 169 (**Shall the state pay tuition aid for primary and secondary students to attend private or public schools of their choice?**)—Filed on March 8, 1995 by Ronald W. Taber of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 170 (**Shall the State apply to Congress for a constitutional convention to replace Congressional voting power with direct popular voting?**)—Filed on March 28, 1995 by William R. Walker of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 171 (**Shall the department of social and health services' authority to investigate complaints of child neglect, abuse, or abandonment be repealed?**)—Filed on April 11, 1995 by Kenneth E. Gragsone of Everett. Sponsor failed to

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submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 172 (**Shall state and local government be prohibited from granting "preferential treatment" based on race, sex, ethnic or sexual minority status?**)—Filed on April 18, 1995 by Ronald W. Taber of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 173 (**Shall the state pay scholarship vouchers for primary and secondary students to attend voucher-redeeming private or public schools of choice?**)—Filed on April 18, 1995 by Ronald W. Taber of Olympia. 241,434 signatures were submitted and found sufficient. The measure was certified to the Legislature on February 5, 1996. The Legislature referred the measure to the 1996 general election ballot. At the November 5, 1996 general election the measure was rejected by the following vote: **For**—775,281 **Against**—1,406,433.

INITIATIVE TO THE LEGISLATURE NO. 174 (**Shall DSHS be required to use multi-disciplinary teams in certain types of cases involving actual or potential serious child abuse?**)—Filed on May 3, 1995 by Kenneth E. Gragsone of Everett. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 175 (**Shall registered nurses licensed for ten years or more be authorized to practice medicine?**)—Filed on June 6, 1995 by Paul Keister of Pasco. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 176 (**Shall juveniles of age fourteen or older who are charged with committing a crime while in possession of a weapon be tried as adults?**)—Filed on July 13, 1995 by Richard E. Woodrow of Lynnwood. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 177 (**Shall voters be authorized to create "renewed" school districts where nonprofit organizations may operate publicly-funded "independent" public schools with parental choice and revised state regulation?**)—Filed on July 17, 1995 by James R. Spady of Seattle. 248,482 signatures were submitted and found sufficient. The measure was certified to the Legislature on January 30, 1996. The Legislature referred the measure to the 1996 general election ballot. At the November 5, 1996 general election the measure was rejected by the following vote: **For**—762,367 **Against**—1,380,816.

INITIATIVE TO THE LEGISLATURE NO. 178 (**Shall property tax values be frozen at their 1995 levels, plus a maximum two percent annual inflation, and annual tax levy increases be gradually reduced?**)—Filed on August 2, 1995 by Steven R. Hargrove of Poulsbo. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 179 (**Shall video lottery terminals be authorized at the option of each city and county, as defined by this measure and regulated by the gambling commission?**)—Filed on October 11, 1995 by Robert F. Gault of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 180 (**Shall state revenue be reduced by lowering certain business and occupation taxes, revising insurance company premium tax credits, and limiting the state property tax levy?**)—Filed on October 12, 1995 by Michael V. Wolfe of Lacey. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 181 (**Shall video lottery terminals be authorized at the option of each city and county, as defined by this measure and regulated by the gambling commission?**)—Filed on October 23, 1995 by Vito T. Chiechi of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 182 (**Shall Easter Sunday, the day after Easter Sunday, and the day after Christmas Day be made legal holidays in the State of Washington?**)—Filed on October 12, 1995 by Melody R. Hegwald of Everett. Sponsor

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failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 183 (**Shall video lottery terminals be authorized at the option of each city and county, as defined by this measure and regulated by the gambling commission?**)—Filed on October 26, 1995 by Vito T. Chiechi of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 184 (**Shall property tax values be frozen at their 1995 levels, plus a maximum two percent annual inflation, and annual tax levy increases be gradually reduced?**)—Filed on March 13, 1996 by Steven R. Hargrove of Poulsbo. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 185 (**Shall the state of Washington apply to Congress for a constitutional convention to consider abolishing Congressional voting in favor of direct balloting by the people?**)—Filed on March 14, 1996 by William R. Walker of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 186 (**Shall an office of state inspector general be created to investigate and challenge incorrect or unjust governmental practices and enforce fair business practices by licensees?**)—Filed on March 13, 1996 by Mx. T. Englerius of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 187 (**Shall a 60-day waiting period be required before a marriage is performed, and waiting periods required before a marriage with minor children may be dissolved?**)—Filed on March 13, 1996 by Bill Harrington of Tacoma. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 188 (**Shall marine water protection programs be extended, oil spill prevention increased and funded by oil shipment taxes, offshore oil-drilling banned, and salmon habitat incentives offered?**)—Filed on March 27, 1996 by Jeffrey D. Parsons of Tumwater. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 189 (**Shall additional limits and restrictions be placed on contributions to political campaigns and ballot measures from corporations, businesses, political parties, political committees, and individuals?**)—Filed on March 19, 1996 by Roger Kluck of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 190 (**Shall all persons buying, selling, distributing or possessing a firearm or ammunition in Washington be required to have a valid firearm and ammunition safety license?**)—Filed on March 27, 1996 by Scott S. Carpenter of Bellevue. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 191 (**Shall an office of state inspector general be created to investigate complaints of malfeasance or abuse by government agencies and business licensees?**)—Filed on April 4, 1996 by Mx. T. Englerius of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 192 (**Shall every health insurance plan be required to cover the services of all licensed podiatrists, chiropractors, naturopaths, optometrists, osteopaths, pharmacists, physicians and psychologists?**)—Filed on April 4, 1996 by John C. Peick of Issaquah. The sponsor submitted 188,967 signatures for checking and they were found insufficient to qualify the measure to be submitted to the 1997 legislature.

INITIATIVE TO THE LEGISLATURE NO. 193 (**Shall the English language be declared the state's only official language for the conduct of all business by state and local government, with limited exceptions?**)—Filed on April 19, 1996 by James L. Morrison of Yakima. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 194 (**Shall persons convicted of certain sex crimes involving children be sentenced to life imprisonment without parole, plus a fine of no less than \$100,000?**)—Filed on May 29, 1996 by Christopher P. Clifford of Renton.

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Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 195 (**Shall the state repeal all existing state taxes, and levy instead a 1% tax on all transfers of property and a temporary 1% property tax?**)—Filed on June 27, 1996 by Clarence P. Keating, Jr. of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 196 (**Shall taxes on property used as the owner's principal residence be limited, state taxes on such properties be eliminated, and assessment based on "adjusted value"?**)—Filed on March 19, 1997 by Donald Carter of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 197 (**Shall the industrial, medicinal, and personal use of hemp (cannabis or marijuana) be permitted under some conditions, taxed, and regulated by the liquor control board?**)—Filed on March 12, 1997 by Thomas A. Rohan of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 198 (**Shall an Office of State Inspector General be created to investigate complaints of abuse by government agencies, and to enforce fair and ethical business practices?**)—Filed on March 19, 1997 by Maximus T. Englerius of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 199 (**Shall registered nurses who have been licensed for ten or more years be authorized to practice medicine?**)—Filed on March 25, 1997 by Paul Keister of Pasco. Sponsor failed to submit signatures for checking.

***INITIATIVE TO THE LEGISLATURE NO. 200 (Shall government be prohibited from discriminating or granting preferential treatment based on race, sex, color, ethnicity or national origin in public employment, education, and contracting?)**—Filed on March 26, 1997 by Scott Smith and Tim Eyman of Seattle. 280,511 signatures were filed and found sufficient. The measure was certified to the Legislature on January 21, 1998. The Legislature referred the measure to the 1998 general election ballot. At the November 3, 1998 general election the measure was approved by the following vote: **For**—1,099,410 **Against**—788,930.

INITIATIVE TO THE LEGISLATURE NO. 201 (**Shall the state's ad valorem property tax for the support of the common schools be repealed, beginning with the 1998 tax levy?**)—Filed on March 25, 1997 by Paul Keister of Pasco. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 202 (**Shall state officials be subject to new salary limitations, enhanced liability for wasted funds, and wrongful conduct, and shall citizen panels conduct employment security hearings?**)—Filed on April 11, 1997 by Patrick M. Crawford of Littlerock. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 203 (**Shall the State apply to Congress to call a federal constitutional convention to consider proposed constitutional amendments calling for nationwide electronic voting on certain matters?**)—Filed on April 3, 1997 by William Walker of Auburn. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 204 (**Shall officials be subject to new salary limitations, increased liability for wrongful conduct, and polygraph examinations, and shall citizen panels conduct employment security hearings?**)—Filed on April 28, 1997 by Patrick M. Crawford of Olympia. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 205 (**Shall an Office of State Inspector General be created to investigate complaints of government malfeasance, unethical business practices, and judicial abuses?**)—Filed on April 14, 1997 by Maximus T. Englerius of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 206 (**Shall certain state laws regulating land use and development, including laws governing growth management, land use permit decisions,**

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and regional transportation planning, be repealed?)—Filed on July 1, 1997 by James L. Morrison of Yakima. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 207 (**Shall public education be exempt from spending limit and tax increase conditions of Initiative 601, appropriations be made, and public education laws be revised?**)—Filed on June 30, 1997 by Kaye M. Pethe and Daniel A. Decker of Lake Forest Park. Sponsors failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 208 (**Shall a youth athletic facilities council be created to prepare a state-wide plan to develop youth athletic facilities, encourage regional coordination, and administer grant programs?**)—Filed on September 16, 1997 by Malcolm S. Sotebeer of Seattle. Sponsor failed to submit signatures for checking.

INITIATIVE TO THE LEGISLATURE NO. 209 (**Shall the State apply to Congress for a federal constitutional convention, for the purpose of considering constitutional amendments on national electronic voting, and other business?**)—Filed on March 12, 1998 by William R. Walker of Auburn. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 210 (**Shall government officials be subject to new salary limitations, increased liability for misconduct, and mandatory polygraph examinations, and shall citizen panels conduct employment security hearings?**)—Filed on March 25, 1998 by Patrick M. Crawford of Littlerock. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 211 (**Shall the state of Washington recognize out-of-state concealed pistol licenses issued to nonresidents, provided the license meets specific requirements, including criminal and mental background checks?**)—Filed on April 23, 1998 by Alan M. Gottlieb of Bellevue. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 212 (**Shall taxes on property used as the owner's principal residence be limited, state taxes on such properties be eliminated, and assessment based on "adjusted value"?**)—Filed on May 22, 1998 by Donald W. Carter of Olympia. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 213 (**Shall it be unlawful to install cameras in dressing rooms, hotel or motel rooms, and certain other private areas, with exceptions described in the measure?**)—Filed on June 17, 1998 by Thomas E. Bader of Redmond. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 214 (**Shall the state school property tax levy be halved and then eliminated, and shall governments be required to use condemnation to restrict certain property uses?**)—Filed on June 29, 1998 by Daniel W. Wood of Hoquiam. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 215 (**Shall state property taxes for schools be halved and then eliminated, and governments required to use negotiation or condemnation for "open space" requirements on property?**)—Filed on July 27, 1998 by Daniel W. Wood of Hoquiam. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 216 (**Shall Washington residents who have been found to have committed bias/hate offenses be required to register with the sheriff in the county where they live?**)—Filed on July 2, 1998 by J. Craig Church of Port Townsend. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 217 (**Shall state school property taxes be gradually eliminated, funds earmarked for public education, and governments required to negotiate and purchase "open space" restrictions on property?**)—Filed on August 3, 1998 by Daniel W. Wood of Hoquiam. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 218 (**Shall the license tab fee for all motor vehicles be \$30 per year, and shall existing motor vehicle excise taxes and licensing fees be repealed?**)—Filed on September 8, 1998 by Timothy D. Eyman of Mukilteo. No signature

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petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 219 (**Shall license tab fees be \$30 per year for motor vehicles, existing motor vehicle taxes be repealed, and voter approval be required for tax increases?**)—Filed on October 8, 1998 by Timothy D. Eyman of Mukilteo. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 220 (**Shall government officials be subject to limitations on salary, criminal prosecution with no limitation period, loss of pension rights for misconduct, and mandatory polygraph examinations?**)—Filed on March 23, 1999 by Patrick M. Crawford of Littlerock. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 221 (**Shall the Office of State Inspector General be created, with authority to conduct hearings, order corrective action, levy fines for wrongdoing, and revise government decisions?**)—Filed on March 15, 1999 by Maximus T. Englerius of Seattle. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 222 (**Shall the existing state expenditure limit be replaced by a new state revenue limit, calculated each year and based on changes in state personal income?**)—Filed on April 7, 1999 by Alan Merson of Bainbridge Island. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 223 (**Shall the state apply to Congress to convene a federal constitutional convention to consider an amendment allowing referendums on federal legislative, executive, and judicial acts?**)—Filed on May 12, 1999 by William R. Walker of Auburn. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 224 (**Shall the Office of State Inspector General be created, with authority to conduct hearings, order corrective action, levy fines, and resolve conflicts concerning government action?**)—Filed on May 13, 1999 by Maximus T. Englerius of Seattle. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 225 (**Shall public schools allow prayer and bible reading, and shall they provide religious teaching that God created the world and of values taught by God?**)—Filed on June 14, 1999 by Deborah Lynn Berkley of Yakima. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 226 (**Relating to taxes**)—Filed on July 16, 1999 by Dave C. McGregor of Seattle. The initiative was withdrawn by the sponsor.

INITIATIVE TO THE LEGISLATURE NO. 227 (**Shall a statewide health insurance plan be created, available to all state residents, and shall certain requirements be imposed on public and private health plans?**)—Filed on July 29, 1999 by Raleigh K. Stitt of Seattle. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 228 (**Shall voter approval be required for any state or local tax increases, and shall a \$500 credit be provided for each parcel of real property?**)—Filed on August 10, 1999 by Dave C. McGregor of Seattle. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 229 (**Shall the cultivation and use of cannabis (marijuana) be legalized, and shall cannabis be sold, taxed, and regulated by a cannabis and liquor control commission?**)—Filed on August 2, 1999 by Flonie Green of Seattle. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 230 (**Shall the state property tax be phased-out using immediate reductions and excess revenues; property tax levies be further limited; and certain homeowner tax deferrals provided?**)—Filed on October 5, 1999 by Gerald D. Schaefer of Aberdeen. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 231 (**Shall certain 1999 tax and fee increases be**

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nullified, motor vehicles exempted from property taxes, property valuations limited, and property tax levy increases further restricted?)—Filed on November 23, 1999 by Tim D. Eyman of Mukilteo. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 232 (Shall the priority of water rights be changed to provide each citizen a domestic water right, used either individually or combined into water systems?)—Filed on March 8, 2000 by Theodore E. Cowan of Issaquah. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 233 (Shall courts be required to order shared custody of children in marriage dissolutions, except where the parents agree otherwise or there is abuse or neglect?)—Filed on March 8, 2000 by William Harrington of Tacoma. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 234 (Shall businesses be required to protect consumer privacy, through restrictions on obtaining or transferring personal consumer information, and through requiring consent to disclose sensitive information?)—Filed on March 8, 2000 by Margarita Prentice of Seattle. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 235 (Shall the state apply to Congress to call a constitutional convention to consider a proposed federal constitutional amendment concerning national electronic voting and other matters?)—Filed on March 13, 2000 by William R. Walker of Auburn. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 236 (Shall American-English be the official language of the state of Washington, and shall state and local governments be required to conduct all business in American-English?)—Filed on April 3, 2000 by Jim Morrison of Naches. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 237 (Shall the legislature be directed to enact legislation calling for a federal Constitutional Convention to consider a proposed amendment establishing a national initiative and referendum?)—Filed on March 29, 2000 by Richard Lee Moore of Underwood. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 238 (Shall financial institutions and insurance companies be required to protect the privacy of personal information through restrictions on obtaining and transferring information without consumer consent?)—Filed on April 11, 2000 by Brian Sullivan of University Place. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 239 (Shall 90% of transportation funds, including transit taxes, be spent for roads; transportation agency performance audits required; and road construction and maintenance be sales tax-exempt?)—Filed on April 24, 2000 by Suzanne D. Karr of Everett. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 240 (Shall state property tax levies be eliminated; assessed value capped at 50% of true value; taxes calculated at \$5.90 per \$1000; and RCW 84.41 repealed?)—Filed on April 27, 2000 by Donald Carter of Olympia. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 241 (Shall park lands be protected for public enjoyment by restricting changes in use, reallocating existing revenues to parks and recreation, and authorizing additional financial support?)—Filed on April 24, 2000 by James L. King, Jr. of Olympia. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 242 (Shall an Office of State Inspector General be created, authorized to conduct hearings, issue cease and desist warnings, bring court actions, and review judicial performance?)—Filed on April 26, 2000 by Maximus T. Englerius of Seattle. No signature petitions were presented for checking.

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- INITIATIVE TO THE LEGISLATURE NO. 243 (**Shall the privacy of personal information be protected through restrictions on collection, use, and disclosure by businesses, with additional protection for financial and medical information?**)—Filed on May 18, 2000 by J. R. Baker of Bainbridge. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 244 (**Initiative Measure No. 244 concerns a constitutional amendment to change voting requirements on school levies. This measure would direct the legislature to propose and submit an amendment to the state constitution. The proposed amendment would require a simple majority vote for passage of school maintenance and operation levies.**)—Filed on June 14, 2000 by Stanley J. McKinney of Port Orchard. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 245 (**Initiative Measure No. 245 concerns creation of a health benefits system. This measure would create a state agency to develop and administer a single health benefits package for state residents, funded by mandatory premiums, employer assessments, existing taxes, and co-payments.**)—Filed on June 16, 2000 by Stuart J. Bramhall of Seattle. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 246 (**Initiative Measure No. 246 concerns establishing procedures for amending the constitution by initiative. This measure would declare that the people have the right to amend the constitution by using the initiative power without amending any existing constitutional language, and would set forth requirements for doing so.**)—Filed on July 6, 2000 by Jeffrey W. Sowers of Olympia. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 247 (**Initiative Measure No. 247 concerns imposing tolls or user fees on roads and bridges. This measure would prohibit tolls or user fees to pay for improvement, maintenance, or operation costs for existing roads or bridges; prohibit agreements that limit existing two-way, toll-free travel; and repeal several statutes.**)—Filed on August 4, 2000 by Randy G. Boss of Gig Harbor. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 248 (**Initiative Measure No. 248 concerns the production and sale of cannabis (marijuana) and hemp. This measure would permit the cultivation and sale of cannabis (marijuana) and hemp. A state cannabis and liquor control commission would regulate and sell marijuana. Supplying marijuana to minors would be a crime.**)—Filed on July 27, 2000 by Douglas P. Stanford of Bellevue. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 249 (**Initiative Measure No. 249 concerns the state expenditure limit. This measure would extend annual expenditure limits to most funds and accounts in the state treasury, with procedures for adjustment. Emergency reserve fund provisions would be revised and excess amounts would be redistributed.**)—Filed on August 21, 2000 by Chad E. Taylor of Chehalis. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 250 (**Initiative Measure No. 250 concerns benefits for state employees and their dependents. This measure would limit eligibility for state employee insurance benefits to those meeting qualifications in effect May 1, 2000. "Spouse" would include only persons married to eligible employees according to Washington law.**)—Filed on October 2, 2000 by Andrea K. Vangor. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 251 (**Initiative Measure No. 251 concerns limiting the growth of state revenue. This measure would limit the growth of total state revenue to the rate of inflation, beginning with the year 2000, with intent that the legislature reduce property taxes to stay within this limit.**)—Filed on November 16, 2000 by Tim D. Eyman of Mukilteo, Leo J. Fagan of Spokane, and M. J. Fagan of Spokane. The initiative

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was withdrawn by the sponsor on December 12, 2000.

INITIATIVE TO THE LEGISLATURE NO. 252 (**Initiative Measure No. 252 concerns local government tax and fee increases. This measure would require voter approval for all future local government tax and fee increases, and would restore such taxes and fees to their January 1, 2000, levels, unless approved by the voters.**)—Filed on November 16, 2000 by Tim D. Eyman of Mukilteo, Leo J. Fagan of Spokane, and M. J. Fagan of Spokane. The initiative was withdrawn by the sponsor on December 12, 2000.

INITIATIVE TO THE LEGISLATURE NO. 253 (**Initiative Measure No. 253 concerns gathering of initiative petition signatures. This measure would require that a person collecting signatures for an initiative petition be a registered voter in the legislative district in which the person is collecting signatures.**)—Filed on November 27, 2000 by William A. Arensmeyer of Tumwater. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 254 (**Statement of the Subject: Initiative Measure No. 254 concerns requirements that food producers and distributors label genetically engineered food. Concise Description: This measure would require labeling on human or animal food which contains genetically engineered material, or is produced with genetically engineered material. The measure would specify labeling content and would allow certain exceptions.**)—Filed on March 14, 2001 by Helen L. Frost of Rainier. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 255 (**Statement of the Subject: Initiative Measure No. 255 concerns the display and distribution of sexually explicit material and performances. Concise Description: This measure would make it a gross misdemeanor to display or distribute, to children under eighteen, sexual material defined as "harmful to minors." Certain defenses would apply. Inconsistent local laws would be preempted.**)—Filed on April 6, 2001 by Daniel R. Anderson of Arlington. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 256 (**Statement of the Subject: Initiative Measure No. 256 concerns property forfeiture arising from controlled substances crimes. Concise Description: This measure would make numerous changes to laws forfeiting property connected with drug crimes, including a requirement of conviction of all owners, additional hearings, and requiring sale, not government use, of forfeited property.**)—Filed on May 24, 2001 by Ernest R. Lewis of Olympia. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 257 (**Statement of the Subject: Initiative Measure No. 257 concerns performance audits conducted by the state auditor. Concise Description: This measure would direct the state auditor to conduct performance audits of state agencies and institutions. A citizens' oversight committee would be created, and \$3 million would be appropriated for the current biennium.**)—Filed on June 13, 2001 by Suzanne D. Karr of Everett. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 258 (**Statement of the Subject: Initiative Measure No. 258 concerns dissolving a regional transit authority. Concise Description: This measure would require the dissolution of Sound Transit, a regional transit authority previously established in King, Pierce, and Snohomish Counties. Remaining Sound Transit money would be transferred to the state transportation fund.**)—Filed on October 2, 2001 by Kris A. Wilder of Seattle. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 259 (**This measure was withdrawn by the sponsors on December 10, 2001.**)—Filed on November 20, 2001 by Tim Eyman of Seattle, M. J. Fagan of Spokane, and Leo J. Fagan of Spokane.

INITIATIVE TO THE LEGISLATURE NO. 260 (**Statement of Subject: Initiative Measure No.**

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- 260 concerns limiting taxes and fees on motor vehicles and light trucks. Concise Description: This measure would require license tab fees to be \$30 per year for motor vehicles and light trucks. Certain excise taxes and fees imposed on motor vehicles for transportation purposes would be repealed.**—Filed on December 5, 2001 by Tim Eyman of Mukilteo. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 261 (**The Attorney General's Office refused to supply a ballot title for Initiative Measure No. 261.**)—Filed on December 10, 2001 by Tim D. Eyman of Mukilteo.
- INITIATIVE TO THE LEGISLATURE NO. 262 (**Statement of the Subject: Initiative Measure No. 262 concerns health care financing. Concise Description: This measure would create a health care finance commission, appointed by the governor. The commission would propose a unified health services financing system for all Washington residents, for submission to the 2005 Legislature.**)—Filed on March 18, 2002 by Stuart J. Bramhall of Seattle. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 263 (**Statement of the Subject: Initiative Measure No. 263 concerns replacing "Washington" with "Cascadia" in the Revised Code of Washington. Concise Description: This measure would replace any reference to "Washington" in the Revised Code of Washington with "Cascadia". Abbreviations for "Washington" would be replaced with abbreviations for "Cascadia".**)—Filed on May 29, 2002 by David J. Anderson of Seattle. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 264 (**Statement of the Subject: Initiative Measure No. 264 concerns transportation financing. Concise Description: This measure would direct that all revenue from state sales tax collected on the sale of motor vehicles be placed in the motor vehicle fund, which is used for road and highway purposes.**)—Filed on July 5, 2002 by Ray DeMonte Benham of Kennewick. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 265 (**Statement of the Subject: Initiative Measure No. 265 concerns transportation. Concise Description: This measure would direct that state sales tax on vehicles be placed in the motor vehicle fund, require performance audits on transportation agencies, and open carpool lanes to all vehicles in off-peak hours.**)—Filed on July 23, 2002 by Tim D. Eyman of Mukilteo, Ray D. Benham of Kennewick, Leo J. Fagan of Spokane and Michael J. Fagan of Spokane. This initiative was withdrawn by the sponsors.
- INITIATIVE TO THE LEGISLATURE NO. 266 (**Statement of the Subject: Initiative Measure No. 266 concerns regulation of attorneys. Concise Description: This measure would create an appointed review board to govern the state bar association and regulate attorneys at law, and would repeal existing laws concerning the bar association and the practice of law.**)—Filed on July 31, 2002 by Allan L. Robinson of Olympia. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 267 (**Statement of the Subject: Initiative Measure No. 267 concerns funding, auditing and modifying transportation. Concise Description: This measure would redirect state sales and use taxes on motor vehicles to highway purposes rather than other governmental purposes, require transportation agency performance audits, and open carpool lanes during non-peak hours.**)—Filed on August 8, 2002 by Tim D. Eyman of Mukilteo, Ray D. Benham of Kennewick, Leo J. Fagan of Spokane and M. J. Fagan of Spokane. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 268 (**Statement of the Subject: Initiative Measure No. 268 concerns electronic mail communications. Concise Description: This measure would make it unlawful to intercept or record any private communication transmitted**

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by e-mail between two or more points within or without the state, without obtaining the consent of all participants.)—Filed on August 5, 2002 by David M. Reeve of Kirkland. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 269 (**Statement of the Subject: Initiative Measure No. 269 concerns limiting increases in local government revenues to reduce property taxes. Concise Description: This measure would limit general fund revenue increases for certain local governments to 1% per year, excluding new voter-approved increases, and would use revenues collected above this limit to reduce property tax levies.**)—Filed on August 23, 2002 by Tim D. Eyman of Mukilteo. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 270 (**Statement of the Subject: Initiative Measure No. 270 concerns limiting increases in city, town, and county revenues. Concise Description: This measure would limit general fund revenue increases for cities, towns, and counties to 1% per year, excluding new voter-approved increases, with revenues collected above this limit used to reduce property tax levies.**)—Filed on September 24, 2002 by Tim D. Eyman of Mukilteo. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 271 (**Statement of the Subject: Initiative Measure No. 271 concerns ergonomics regulations. Concise Description: This measure would repeal existing state ergonomics regulations and would direct the department of labor and industries not to adopt new ergonomics regulations unless a uniform federal standard is required.**)—Filed on September 24, 2002 by Tim D. Eyman of Mukilteo. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 272 (**Statement of the Subject: Initiative Measure No. 272 concerns state agency administrative rules. Concise Description: This measure would direct the legislature to review all administrative rules adopted by state agencies. Rules not enacted as legislative bills would become void, according to a schedule set forth in this measure.**)—Filed on September 24, 2002 by Tim D. Eyman of Mukilteo. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 273 (**Statement of the Subject: Initiative Measure No. 273 concerns city, town, and county revenues. Concise Description: This measure would limit general fund revenue increases for cities, towns, and counties to 1% per year, excluding new voter-approved increases, and use revenues collected above this limit to reduce property tax levies.**)—Filed on October 4, 2002 by Tim D. Eyman of Mukilteo. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 274 (**Relating to reestablishing Initiative #601.**)—Filed on October 10, 2002 by Tim D. Eyman of Mukilteo. This initiative was withdrawn by the sponsor before a ballot title was prepared.

INITIATIVE TO THE LEGISLATURE NO. 275 (**Relating to reestablishing Initiative #601.**)—Filed on October 21, 2002 by Tim D. Eyman of Mukilteo. This initiative was withdrawn by the sponsor before a ballot title was prepared.

INITIATIVE TO THE LEGISLATURE NO. 276 (**Relating to reestablishing Initiative #601.**)—Filed on October 29, 2002 by Tim D. Eyman of Mukilteo. This initiative was withdrawn by the sponsor before a ballot title was prepared.

INITIATIVE TO THE LEGISLATURE NO. 277 (**Statement of the Subject: Initiative Measure No. 277 concerns state and local government fiscal matters. Concise Description: This measure would require either voter approval or legislative approval by a three-fourths vote for state, county, and city actions that raise revenue or require revenue-neutral tax shifts, as defined in the measure.**)—Filed on November 12, 2002 by Tim D. Eyman of Mukilteo, M. J. Fagan of Spokane and Leo J. Fagan of Spokane. This initiative was withdrawn by the sponsors.

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- INITIATIVE TO THE LEGISLATURE NO. 278 (**Relating to requiring legislative supermajorities to raise revenue.**)—Filed on November 22, 2002 by Tim D. Eyman of Mukilteo. This initiative was withdrawn by the sponsor before a ballot title was prepared.
- INITIATIVE TO THE LEGISLATURE NO. 279 (**Relating to property taxes.**)—Filed on December 2, 2002 by Tim D. Eyman of Mukilteo. This initiative was withdrawn by the sponsor before a ballot title was prepared.
- INITIATIVE TO THE LEGISLATURE NO. 280 (**Statement of the Subject: Initiative Measure No. 280 concerns extra pay for public school teachers. Concise Description: This measure would award compensation to public school teachers rated highly on questionnaires filled out by students', parents and guardians, funded by a sales tax increase of fourteen one-hundredths of one percent (0.14%).**)—Filed on November 25, 2002 by Donald D. Hansler of Spanaway. No signature petitions were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 281 (**Statement of the Subject: Initiative Measure No. 281 concerns reduction of the state property tax levy. Concise Description: This measure would gradually eliminate the state property tax levy for the common schools, by 25% of the current level in 2003, 50% in 2004, 75% in 2005, and completely (100%) in 2006.**)—Filed on December 13, 2002 by Tim D. Eyman of Mukilteo. The initiative was withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 282 (**Relating to re-establishing I-601.**)—Filed on December 9, 2002 by Tim D. Eyman of Mukilteo. The initiative was filed too late to receive a ballot title.
- INITIATIVE TO THE LEGISLATURE NO. 283 (**Relating to property taxes.**)—Filed on December 18, 2002 by Tim D. Eyman of Mukilteo. The initiative was filed too late to receive a ballot title.
- INITIATIVE TO THE LEGISLATURE NO. 284 (**Relating to initiative signature gathering.**)—Filed on December 9, 2002 by J. Pat Thompson of Everett. The initiative was filed too late to receive a ballot title.
- INITIATIVE TO THE LEGISLATURE NO. 285 (**Statement of the Subject: Initiative Measure No. 285 concerns teaching the Declaration of Independence, the constitutions, and related documents. Concise Description: This measure would require all schools to include specified teaching in their social studies curriculum concerning the Declaration of Independence, the constitutions of the United States and of the State, and related documents.**) Filed on March 13, 2003 by Ray D. Benham of Seattle, Thomas C. Larsen, James Rigby. No signature petitions were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 286 (**Statement of the Subject: Initiative Measure No. 286 concerns replacing the name "Washington" with "Cascadia". Concise Description: This measure would require future publications of the Revised Code of Washington to replace any references to the state of "Washington" with references to the state of "Cascadia," with appropriate changes in abbreviations.**) Filed on March 12, 2003 by George C. Deane of Everett. No signature petitions were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 287 (**Statement of the Subject: Initiative Measure No. 287 concerns valuing real property for tax purposes. Concise Description: This measure would define real property value as the fair market value of the last purchase price paid, and would require property tax assessment on this basis beginning with taxes collected in 2005.**) Filed on March 12, 2003 by Paul Richards of Seattle. No signature petitions were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 288 (**Statement of the Subject: Initiative Measure No. 288 concerns performance audits of state agencies and institutions. Concise Description: This measure would direct the state auditor to conduct performance**

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audits of state government programs, with the assistance of a citizens oversight committee. Five million dollars would be appropriated for fiscal year 2005.) Filed on March 12, 2003 by Suzanne D. Karr of Everett. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 289 (Statement of the Subject: Initiative Measure No. 289 concerns investigating changes in state boundary lines. Concise Description: This measure would direct the Spokane County boundary review board to conduct an investigation into the feasibility and the mechanics of defining new boundary lines for the states of Washington, Oregon, and Idaho.) Filed on March 14, 2003 by Kenneth W. Sletten of Keyport. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 290 (Statement of the Subject: Initiative Measure No. 290 concerns property tax levies. Concise Description: This measure would reduce the state portion of the property tax levy by 25%, effective in 2004, and would require local governments to seek voter approval for all regular property tax levy increases.) Filed on March 17, 2003 by Tim Eyman of Mukilteo. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 291 (Statement of the Subject: Initiative Measure No. 291 concerns credit card interest. Concise Description: This measure would provide that the amount of interest charged for unsecured credit card balances could not exceed twelve percent per year.) Filed on April 11, 2003 by Michael J. Thompson of Seattle. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 292 (Statement of the Subject: Initiative Measure No. 292 concerns regional transportation. Concise Description: This measure would provide for elected regional transportation accountability boards (required in Central Puget Sound, optional elsewhere). Each board would consolidate and govern existing regional transportation agencies and coordinate planning, funding, and services.) Filed on April 4, 2003 by Michael K. Vaska of Issaquah, Bruce Agnew, David A. Russell. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 293 (Relating to property tax levies.) Filed on April 23, 2003 by Tim Eyman of Mukilteo. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 294 (Relating to property tax levies.) Filed on April 23, 2003 by Tim Eyman of Mukilteo. Withdrawn by sponsor.

INITIATIVE TO THE LEGISLATURE NO. 295 (Relating to property tax levies.) Filed on May 5, 2003 by Tim Eyman of Mukilteo. Withdrawn by sponsor.

INITIATIVE TO THE LEGISLATURE NO. 296 (Relating to property tax levies.) Filed on June 9, 2003 by Tim Eyman of Mukilteo. Withdrawn by sponsor.

INITIATIVE TO THE LEGISLATURE NO. 297 (Statement of the Subject: Initiative Measure No. 297 concerns mixed radioactive and nonradioactive hazardous waste. Concise Description: This measure would add new provisions concerning mixed radioactive and nonradioactive hazardous waste, requiring cleanup of contamination before additional waste is added, prioritizing cleanup, providing for public participation and enforcement through citizen lawsuits.) Filed on June 9, 2003 by Gerald M. Pollet of Seattle. 280,382 signatures were filed and found sufficient. The measure was certified to the Legislature on January 28, 2004. The Legislature failed to take action, and as provided by the state constitution, the measure will be submitted to the voters at the November 2, 2004 general election.

INITIATIVE TO THE LEGISLATURE NO. 298 (Relating to property tax levies.) Filed on June 18, 2003 by Tim Eyman of Mukilteo. Withdrawn by sponsor.

INITIATIVE TO THE LEGISLATURE NO. 299 (Relating to property tax levies.) Filed on July 1, 2003 by Tim Eyman of Mukilteo. Withdrawn by sponsor.

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- INITIATIVE TO THE LEGISLATURE NO. 300 (**Statement of the Subject: Initiative Measure No. 300** concerns regional transportation planning, funding, and audits. **Concise Description:** This measure would authorize regional transportation accountability boards (required for certain high population and adjoining counties) to govern consolidated transportation agencies and submit regional plans to voters. Certain transportation powers would be revised.) Filed on July 18, 2003 by Michael K. Vaska of Issaquah, Bruce Agnew, David A. Russell. No signature petitions were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 301 (**Statement of the Subject: Initiative Measure No. 301** concerns property tax levies of local governments, including local taxing districts. **Concise Description:** This measure would reduce regular property tax levies for counties, cities, towns, and other local taxing districts by 25%, and require 60% voter approval to increase these levies above the 1% annual limit.) Filed on July 15, 2003 by Tim Eyman of Mukilteo. No signature petitions were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 302 (**Statement of the Subject: Initiative Measure No. 302** concerns a process to provide citizens opinions to state government. **Concise Description:** This measure would establish a program, funded by fees and donations, whereby citizens can volunteer to meet in small groups and give their opinions on topics selected by the governor, auditor, and legislators.) Filed on July 7, 2003 by Richard J. Spady of Bellevue. No signature petitions were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 303 (**Statement of the Subject: Initiative Measure No. 303** concerns local government regular property tax levies. **Concise Description:** This measure would reduce regular property tax levies for counties, cities, and other local taxing districts by 25%, and require 60% voter approval for multi-year levy increases exceeding the current 1% levy limit.) Filed on July 25, 2003 by Tim Eyman of Mukilteo. No signature petitions were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 304 (**Statement of the Subject: Initiative Measure No. 304** concerns sales and use tax exemptions. **Concise Description:** This measure would exempt from sales and use tax the purchase or use of tangible personal property by school districts, and exempt from sales tax charges for constructing or maintaining school facilities.) Filed on July 30, 2003 by William Barnet of Lake Stevens. No signature petitions were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 305 (**Statement of the Subject: Initiative Measure No. 305** concerns local government regular property tax levies. **Concise Description:** This measure would reduce regular property tax levies for counties, cities, and other local taxing districts by 25%, and require 60% voter approval for multi-year levy increases exceeding the current 1% levy limit.) Filed on August 8, 2003 by Tim Eyman of Mukilteo. No signature petitions were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 306 (**Statement of the Subject: Initiative Measure No. 306** concerns additional cigarette taxation to pay for nursing programs. **Concise Description:** This measure would impose an additional tax of 15% on the sale, use, consumption, handling, possession, or distribution of cigarettes. The revenue would be allocated to state colleges and universities for nursing programs.) Filed on July 25, 2003 by Ameliya Abero of Seattle. No signature petitions were submitted for checking.
- INITIATIVE TO THE LEGISLATURE NO. 307 (**Statement of the Subject: Initiative Measure No. 307** concerns local government regular property tax levies. **Concise Description:** This measure would reduce regular property tax levies for counties, cities, and other local taxing districts by 25%, and require 60% voter approval for multi-year levy increases exceeding the current 1% levy limit.) Filed on August 25, 2003 by Tim Eyman of Mukilteo. No signature petitions were submitted for checking.

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INITIATIVE TO THE LEGISLATURE NO. 308 (**Statement of the Subject: Initiative Measure No. 308 concerns regulation of pesticides and fertilizers in agriculture. Concise Description: This measure would regulate pesticide and fertilizer use in agriculture through new reporting requirements, earmarking certain funds for pesticide and fertilizer reduction, limiting tax exemptions for pesticides and fertilizers, and establishing a commission.**) Filed on August 20, 2003 by Yoram K Bauman of Seattle. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 309 (**Statement of the Subject: Initiative Measure No. 309 concerns property tax levies. Concise Description: This measure would reduce regular property tax levies by counties, cities, and other local taxing districts by 25% beginning in 2005. The measure would not affect voter-approved special levies, including local school levies.**) Filed on September 8, 2003 by Tim Eyman of Mukilteo. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 310 (**Statement of the Subject: Initiative Measure No. 310 concerns pesticide and fertilizer use Concise Description: This measure would require new reporting of pesticide use, limit certain pesticide and fertilizer tax exemptions, earmark revenues to protect health and the environment from pesticide and fertilizer use, and establish a commission.**) Filed on September 9, 2003 by Yoram K Bauman of Seattle. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 311 (**Statement of the Subject: Initiative Measure No. 311 concerns calling for a constitutional convention. Concise Description: This measure would direct the legislature to call for a constitutional convention to amend the United States Constitution by establishing a national initiative and referendum, eliminating the electoral college, and modifying treaty-making power.**) Filed on September 8, 2003 by Richard Lee Moore of Underwood. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 312 (**Statement of the Subject: Initiative Measure No. 312 concerns providing bonus compensation to teachers based on parent ratings. Concise Description: This measure would provide yearly bonus payments for public school teachers based on parent/guardian ratings, calculated as a percentage of average teacher salary, and funded by a sales tax increase of 0.15 percent.**) Filed on October 8, 2003 by Donald D. Hansler of Spanaway. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 313 (**Statement of the Subject: Initiative Measure No. 313 concerns definitions of major and minor political parties. Concise Description: This measure would define minor party to include any political party filing a written declaration of minor party status, permitting that party to nominate its candidates by convention rather than through the primary.**) Filed on October 8, 2003 by Laren McLaren of Seattle. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 314 (**Relating to the initiative process.**) Filed on December 15, 2003 by Stephen M. Zemke of Seattle. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 315 (**Relating to elections.**) Filed on December 10, 2003 by Javier O. Lopez of Seattle. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 316 (**Relating to taxes.**) Filed on December 10, 2003 by Javier O. Lopez of Seattle. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 317 (**Relating to government.**) Filed on December 10, 2003 by Javier O. Lopez of Seattle. No signature petitions were submitted for checking.

INITIATIVE TO THE LEGISLATURE NO. 318 (**Statement of the Subject: Initiative Measure No. 318 concerns replacing primary elections for certain offices with instant runoff**

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- voting. Concise Description:** this measure would eliminate primaries for many offices. Voters would rank their choices with “instant runoff” determining the election if no candidate received an initial majority. Political parties could designate official nominees.) Filed on March 11, 2004 by Jerome R. Cronk of Shoreline. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 319 (**Statement of the Subject: Initiative Measure No. 319** concerns property tax homestead exemptions. **Concise Description:** This measure would allow property owners to file claims obtaining partial exemptions from the real property taxes that would otherwise be assessed on their residences, and describes how the exemptions would be calculated.) Filed on March 10, 2004 by Steve Zemke of Seattle. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 320 (**Statement of the Subject: Initiative Measure No. 320** concerns the use of demeaning words. **Concise Description:** This measure would demand that demeaning or hurtful words be stricken from printed materials, and declare that government and media should not use any word that “denotes that straights are better than homosexuals.”) Filed on March 23, 2004 by Javier O. Lopez of Lacey. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 321 (**Statement of the Subject: Initiative Measure No. 321** concerns gas prices. **Concise Description:** This measure would declare: the people will not tolerate higher gas prices, that prices should be reasonable with increases voted by the people, and that some oil profits should be applied to education.) Filed on March 23, 2004 by Javier O. Lopez of Lacey. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 322 (**Statement of the Subject: Initiative Measure No. 322** concerns administrative rulemaking, hearings, and agency heads appointed by the governor. **Concise Description:** This measure would add requirements for state agencies to adopt or apply administrative rules; and limit agency heads to one year terms if the senate took no action to confirm the governor’s appointment.) Filed on April 9, 2004 by Ken Sletten. The initiative was withdrawn by the sponsor.
- INITIATIVE TO THE LEGISLATURE NO. 323 (**Statement of the Subject: Initiative Measure No. 323** concerns challenges to agency rulemaking. **Concise Description:** This measure would permit challenges to rulemaking to be brought in any county where a petitioner lives or has property affected, and shift the burden of proof to the agency in some circumstances.) Filed on April 9, 2004 by Ken Sletten of Keyport. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 324 (**Statement of the Subject: Initiative Measure No. 324** concerns application of the Growth Management Act. **Concise Description:** This measure would authorize counties with fewer than one hundred persons per square mile, and the cities within those counties, to remove themselves from the comprehensive planning requirements of the Growth management Act.) Filed on April 23, 2004 by Ken Sletten of Keyport. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 325 (**Statement of the Subject: Initiative Measure No. 325** concerns a process to provide citizens’ opinions to state government. **Concise Description:** This measure would establish a program, funded by fees and donations, whereby citizens can volunteer to meet in small groups and give their opinions on topics selected by the governor, auditor, and legislators.) Filed on April 22, 2004 by Richard J. Spady of Seattle. No signature petitions were presented for checking.
- INITIATIVE TO THE LEGISLATURE NO. 326 (**Statement of the Subject: Initiative Measure No. 326** concerns revisions in administrative procedure. **Concise Description:** This measure would require the governor’s signature on certain rules, allow persons to seek

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judicial review without exhausting administrative remedies, place new limits and conditions or rulemaking, and increase allowable attorney fee awards.) Filed on May 4, 2004 by Ken Sletten of Keyport. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 327 (Statement of the Subject: Initiative Measure No. 327 concerns calling for a federal constitutional convention. Concise Description: This measure would instruct the legislature to call for a convention to propose amendment to the United States Constitution concerning a national initiative, referendum and recall; the electoral college; and treaty ratification procedures.) Filed on April 30, 2004 by Richard lee Moore of Underwood. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 328 (Statement of the Subject: Initiative Measure No. 328 concerns health care. Concise Description: This measure would provide that 2% from sales or profits from pharmaceuticals, drug companies, health insurance companies, tobacco and alcoholic beverages be given for creation of a healthcare plan for those in need.) Filed on May 18, 2004 by Javier O. Lopez of Lacey. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 329 (Statement of the Subject: Initiative Measure No. 329 concerns railroad safety. Concise Description: This measure would increase penalties for railroad trespass and for railroad employee misconduct; require railroads t patrol for trespassers; and require the use of specialized imaging equipment to detect pedestrians on railroad tracks.) Filed on June 14, 2004 by Linda C. Morales of Seattle. No signature petitions were presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 330 (Statement of the Subject: Initiative Measure No. 330 concerns claims for personal injury or death arising from healthcare services. Concise Description: This measure would change laws governing claims for negligent healthcare, including restricting noneconomic damages to #350,000 (with exception), shortening time limits for filing cases, limiting repayments to insurers and limiting claimants' attorney fees.) Filed on June 17, 2004 by Dr. Jeffrey B. Collins of Olympia. 319,146 signatures were turned in and the measure was referred to the Legislature on January 21, 2005.

INITIATIVE TO THE LEGISLATURE NO. 331 (Statement of Subject: Initiative Measure No. 331 concerns claims for joint liability and negligent healthcare and related services. Concise Description: This measure would change joint liability; and limit liability for injuries and death from negligent healthcare by restricting noneconomic damages to \$350,000 (with exception), limiting repayments to insurers, and limiting claimants' attorney fees.) Filed on June 17, 2004 by Dr. Jeffrey B. Collins of Olympia. No signatures were turned in.

INITIATIVE TO THE LEGISLATURE NO. 332 (Statement of Subject: Initiative Measure No. 332 concerns amending the Clean Indoor Air Act by expanding smoking prohibitions. Concise Description: This measure would prohibit smoking in buildings and vehicles open to the public and places of employment, including areas within 25 feet of doorways and ventilation openings unless a lesser distance is approved.) Filed on June 29, 2004 by Christopher Covert-Bowlds of Bellingham. No signatures were turned in.

INITIATIVE TO THE LEGISLATURE No. 333 (Statement of Subject: Initiative Measure No. 333 concerns workers' compensation. Concise Description: This measure would revise workers' compensation benefits, including redefining wages to exclude fringe benefits, modifying maximum benefits payable to surviving spouses and dependents; and establishing new limits on payments to disabled workers.) Filed on June 30, 2004 by Elliot Swaney of Olympia. No signatures were turned in.

INITIATIVE TO THE LEGISLATURE No. 334 (Statement of Subject: Initiative Measure No.

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334 concerns changes to the Washington Industrial Insurance Act. **Concise Description:** This measure would continue employer-provided health care coverage until workers return to work; eliminate worker contributions to industrial insurance benefit funds; extend vocational retraining benefits; and define attorney fees.) Filed on August 3, 2004 by Robby Stern of Seattle. No signatures were turned in.

INITIATIVE TO THE LEGISLATURE No. 335 (**Statement of Subject: Initiative Measure No. 335** concerns extending eligibility for the Washington State Medal of Valor. **Concise Description:** This measure would permit the medal of valor to be awarded to a firefighter, law enforcement officer, emergency services officer, or active or retired military personnel, in addition to other United States citizens.) Filed on August 18, 2004 by Nathaniel Davis. No signatures were turned in.

INITIATIVE TO THE LEGISLATURE No. 336 (**Statement of Subject: Initiative Measure No. 336** concerns medical malpractice, including insurance, healthcare provider licensing, and lawsuits. **Concise Description:** This measure would: require notices and hearings on insurance rate increases; establish a supplemental malpractice insurance program; require license revocation proceedings after three malpractice incidents; and limit numbers of expert witnesses in lawsuits.) Filed on August 30, 2004 by Lawrence B. Shannon of Seattle. 300,776 signatures were turned in and the measure was referred to the Legislature on January 20, 2004.

INITIATIVE TO THE LEGISLATURE No. 337 (**Statement of Subject: Initiative Measure No. 337** concerns performance audits of governmental entities. **Concise Description:** This measure would direct the state auditor to conduct performance audits of state and local agencies, and dedicate 0.1538% of the state's portion of sales and use tax collections to fund these audits.) Filed on November 9, 2004 by Tim Eyman, Leo Fagan, and MJ Fagan of Spokane. No signatures were turned in.

INITIATIVE TO THE LEGISLATURE No. 338 (**Statement of Subject: Initiative Measure No. 338** concerns performance audits of governmental entities. **Concise Description:** This measure would direct the state auditor to conduct performance audits of state and local government agencies, and would dedicate a portion of the state sales and use taxes to fund these audits.) Filed on November 22, 2004 by Tim Eyman, Leo Fagan, and MJ Fagan of Spokane. No signatures were turned in.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 1 (**Chapter 48, Laws of 1913, Teachers' Retirement Fund**)—Filed March 11, 1913. Submitted to the people at the state general election held on November 3, 1914. ***Failed to pass** by the following vote: **For**—59,051 **Against**—252,356. **As a consequence, Chapter 48, Laws of 1913 did not become law.**
- REFERENDUM MEASURE NO. 2 (**Chapter 180, Laws of 1913, Quincy Valley Irrigation Measure**)—Filed March 25, 1913. Submitted to the people at the state general election held on November 3, 1914. ***Failed to pass** by the following vote: **For**—102,315 **Against**—189,065. **As a consequence, Chapter 180, Laws of 1913 did not become law.**
- REFERENDUM MEASURE NO. 3 (**Chapter 54, Laws of 1915, Relating to Initiative and Referendum**)—Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. ***Failed to pass** by the following vote: **For**—62,117 **Against**—196,363. **As a consequence, Chapter 54, Laws of 1915 did not become law.**
- REFERENDUM MEASURE NO. 4 (**Chapter 55, Laws of 1915, Recall of Elective Public Officers**)—Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. ***Failed to pass** by the following vote: **For**—63,646 **Against**—193,686. **As a consequence, Chapter 55, Laws of 1915 did not become law.**
- REFERENDUM MEASURE NO. 5 (**Chapter 52, Laws of 1915, Party Conventions Act**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. ***Failed to pass** by the following vote: **For**—49,370 **Against**—200,499. **As a consequence, Chapter 52, Laws of 1915 did not become law.**
- REFERENDUM MEASURE NO. 6 (**Chapter 181, Laws of 1915, Anti-Picketing**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. ***Failed to pass** by the following vote: **For**—85,672 **Against**—183,042. **As a consequence, Chapter 181, Laws of 1915 did not become law.**
- REFERENDUM MEASURE NO. 7 (**Chapter 178, Laws of 1915, Certificate of Necessity Act**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. ***Failed to pass** by the following vote: **For**—46,820 **Against**—201,742. **As a consequence, Chapter 178, Laws of 1915 did not become law.**
- REFERENDUM MEASURE NO. 8 (**Chapter 46, Laws of 1915, Port Commission**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. ***Failed to pass** by the following vote: **For**—45,264 **Against**—195,253. **As a consequence, Chapter 46, Laws of 1915 did not become law.**
- REFERENDUM MEASURE NO. 9 (**Chapter 49, Laws of 1915, Budget System**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. ***Failed to pass** by the following vote: **For**—67,205 **Against**—181,833. **As a consequence, Chapter 49, Laws of 1915 did not become law.**
- REFERENDUM MEASURE NO. 10 (**Chapter 19, Laws of 1917, Bone Dry Law**)—Filed February 20, 1917. Submitted to the people at the state general election held on November 5, 1918. Measure passed by the following vote: **For**—96,100 **Against**—54,322.
- REFERENDUM MEASURE NO. 11 (**Chapter 167, Laws of 1917, Capitol Building Fund Bonds**)—Filed April 23, 1917. No petition filed.
- REFERENDUM MEASURE NO. 12A (**Chapter 77, Laws of 1919, Salary of Judges**)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 12B (**Chapter 59, Laws of 1921, Certificate of Necessity**)—Filed March 26, 1921. Submitted to the people at the state general election held on November 7, 1922. ***Failed to pass** by the following vote: **For**—64,800 **Against**—154,905. **As a consequence, Chapter 59, Laws of 1921 did not become law.**
- REFERENDUM MEASURE NO. 13A (**Chapter 112, Laws of 1919, Death Penalty**)—Filed April 14, 1919. No petition filed.

*Term "Failed to pass" indicates sponsor or Referendum was successful in attempt to prevent measure froms becoming effective law.

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- REFERENDUM MEASURE NO. 13B (**Chapter 175, Laws of 1921, Physical Examination of School Children**)—Filed April 4, 1921. Submitted to the people at the state general election held on November 7, 1922. ***Failed to pass** by the following vote: **For—96,874 Against—156,113. As a consequence, Chapter 175, Laws of 1921 did not become law.**
- REFERENDUM MEASURE NO. 14A (**Senate Joint Resolution No. 1, Laws of 1919, Intoxicating Liquor**)—Filed March 20, 1919. Insufficient number of signatures on petition.
- REFERENDUM MEASURE NO. 14B (**Chapter 177, Laws of 1921, Primary Nominations and Registrations**)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. ***Failed to pass** by the following vote: **For—60,593 Against—164,004. As a consequence, Chapter 177, Laws of 1921 did not become law.**
- REFERENDUM MEASURE NO. 15 (**Chapter 176, Laws of 1921, Party Conventions**)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. ***Failed to pass** by the following vote: **For—57,324 Against—140,299. As a consequence, Chapter 176, Laws of 1921 did not become law.**
- REFERENDUM MEASURE NO. 16 (**Chapter 22, Laws of 1923, Butter Substitutes**)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. ***Failed to pass** by the following vote: **For—169,047 Against—203,016. As a consequence, Chapter 22, Laws of 1923 did not become law.**
- REFERENDUM MEASURE NO. 17 (**Chapter 115, Laws of 1929, Creating Department of Highways**)—Filed April 27, 1929. No petition filed.
- REFERENDUM MEASURE NO. 18 (**Chapter 51, Laws of 1933, Cities and Towns; Electric Energy**)—Filed April 7, 1933. Submitted to the people at the state general election held on November 6, 1934. Measure passed by the following vote: **For—221,590 Against—160,244.**
- REFERENDUM MEASURE NO. 19 (**Chapter 55, Laws of 1933, Horse Racing**)—Filed April 3, 1933. No petition filed.
- REFERENDUM MEASURE NO. 20 (**Chapter 118, Laws of 1935, Regulating Pilots**)—Filed February 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 21 (**Chapter 26, Laws of 1935, Blanket Primary Ballot**)—Filed April 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 22 (**Chapter 209, Laws of 1941, Industrial Insurance**)—Filed April 3, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure passed by the following vote: **For—246,257 Against—108,845.**
- REFERENDUM MEASURE NO. 23 (**Chapter 158, Laws of 1941, Providing for Legal Adviser for Grand Juries**)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. ***Failed to pass** by the following vote: **For—126,972 Against—148,266. As a consequence, Chapter 158, Laws of 1941 did not become law.**
- REFERENDUM MEASURE NO. 24 (**Chapter 191, Laws of 1941, Prosecuting Attorneys; Providing that they shall no longer give advice to Grand Juries**)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. ***Failed to pass** by the following vote: **For—114,603 Against—148,439. As a consequence, Chapter 191, Laws of 1941 did not become law.**
- REFERENDUM MEASURE NO. 25 (**Chapter 15, Laws of 1943, Relating to Public Utility Districts**)—Filed March 18, 1943. Submitted to the people at the state general election held on November 7, 1944. ***Failed to pass** by the following: **For—297,919 Against—373,051. As a consequence, Chapter 15, Laws of 1943 did not become law.**
- REFERENDUM MEASURE NO. 26 (**Chapter 37, Laws of 1945, Relating to appointment of State Game Commissioners by the Governor**)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on

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- November 5, 1946. ***Failed to pass** by the following vote: **For**—69,490 **Against**—447,819. **As a consequence, Chapter 37, Laws of 1945 did not become law.**
- REFERENDUM MEASURE NO. 27 (**Chapter 202, Laws of 1945, Relating to the creation of a State Timber Resources Board**)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. ***Failed to pass** by the following vote: **For**—107,731 **Against**—422,026. **As a consequence, Chapter 202, Laws of 1945 did not become law.**
- REFERENDUM MEASURE NO. 28 (**Portion of Chapter 235, Laws of 1949, Relating to accident and health insurance covering employees eligible for unemployment compensation**)—Filed March 30, 1949. Signature petitions filed June 8, 1949 and found sufficient. Submitted to the people at the state general election held on November 7, 1950. ***Failed to pass** by the following vote: **For**—163,923 **Against**—467,574. **As a consequence, only sections 1 through 5, inclusive, became law.**
- REFERENDUM MEASURE NO. 29 (**Portion of Chapter 190, Laws of 1949, State Insurance Code**)—Filed April 2, 1949. No signature petitions presented for canvassing.
- REFERENDUM MEASURE NO. 30 (**Chapter 280, Laws of 1957, Inheritance Tax on Insurance Proceeds**)—Filed April 12, 1957. Signature petitions filed June 17, 1957, and found sufficient. Measure submitted to the voters at the state general election held on November 4, 1958. ***Failed to pass** by the following vote: **For**—52,223 **Against**—811,539. **As a consequence, Chapter 280, Laws of 1957 did not become law.**
- REFERENDUM MEASURE NO. 31 (**Portion of Chapter 297, Laws of 1959, Authorizing corporations and joint stock associations to practice engineering**)—Filed March 31, 1959. Signature petition sheets presented for canvassing June 10, 1959. Results of canvassing revealed that sponsors missed obtaining necessary number of valid signatures by 1,124 signatures. As a result attempt to refer law to voters failed.
- REFERENDUM MEASURE NO. 32 (**Chapter 298, Laws of 1961, Washington State Milk Marketing Act**)—Filed March 22, 1961 by the Washington State Milk Consumers' League. Supporting signature petition sheets filed June 14, 1961, and as of July 26, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. ***Failed to pass** by the following vote: **For**—153,419 **Against**—677,530. **As a consequence, Chapter 298, Laws of 1961 did not become law.**
- REFERENDUM MEASURE NO. 33 (**Chapter 275, Laws of 1961, Private Auditors of Municipal Accounts**)—Filed April 3, 1961 by Cliff Yelle, State Auditor. Supporting signature petition sheets filed June 6, 1961, and as of July 18, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. ***Failed to pass** by the following vote: **For**—242,189 **Against**—563,475. **As a consequence, Chapter 275, Laws of 1961 did not become law.**
- REFERENDUM MEASURE NO. 34 (**Chapter 37, Laws of 1963, Mechanical Devices, Salesboards, Cardrooms, Bingo**)—Filed April 11, 1963 by Dr. Homer W. Humiston of Tacoma, Washington. Since said act contained an emergency clause making the law effective upon the approval of the Governor it was necessary for Dr. Humiston to initiate court action to determine whether or not emergency clause was valid. As of April 11, 1963 the State Supreme Court setting en banc ruled that the emergency clause was not valid and directed the Secretary of State to accept and file papers relative to the referendum (Case No. 36998).
- Dr. Humiston, as sponsor of Referendum Measure No. 34, filed signature petition sheets containing a total of 82,995 signatures supporting Referendum Measure No. 34, during the period June 3 through June 12, 1963.

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As of June 24, 1963, it was discovered that all such signature petition sheets had been stolen. However, two days later (June 26, 1963), Secretary of State Victor A. Meyers certified Referendum Measure No. 34 to the respective county auditors with direction that said measure appear upon the November 3, 1964 state general election ballot in spite of the fact that the signatures had been stolen. Such action was justified upon the grounds that the sponsor of said referendum had filed 82,995 signatures when only 48,630 valid signatures were needed. On July 22, 1963 the Amusement Association of Washington brought court action against the Secretary of State challenging the certification of Referendum Measure No. 34.

On July 22, 1963, the Thurston County Superior Court ruled that the Secretary of State had acted properly under the circumstances. On March 26, 1964, the State Supreme Court sustained the Thurston County Superior Court by likewise ruling that the Secretary of State's certification was valid.

Measure then submitted to the voters at the state general election held on November 3, 1964. ***Failed to pass** by the following vote: **For**—505,633 **Against**—622,987. **As a consequence, Chapter 37, Laws of 1963 did not become law.**

REFERENDUM MEASURE NO. 35 (**Portion of Chapter 22, Laws of 1967, Nondiscrimination by Realty Brokers, Salesmen**)—Filed March 22, 1967 by the AD-HOC (Advisory Home Owners Committee). Signatures (81,146) filed June 6, 1967 and found sufficient. Measure submitted to the voters for decision at the November 5, 1968 state general election. Measure passed by the following vote: **For**—580,578 **Against**—276,161. Consequently, the attempt by the sponsors of this referendum to negate the open housing provision of Chapter 22, Laws of 1967 was unsuccessful.

REFERENDUM MEASURE NO. 36 (**Chapter 100, Laws of 1973, Minimum Age—Alcoholic Beverage Control**)—Filed April 4, 1973 by Lloyd C. Tremain, Chairman, Citizens United for Responsible Legislation. Signatures (79,389) filed June 7, 1973 and found sufficient. Measure submitted to the voters for decision at the November 6, 1973 state general election. ***Failed to pass** by the following vote: **For**—495,624 **Against**—510,491. **As a consequence, Chapter 100, Laws of 1973 did not become law.**

REFERENDUM MEASURE NO. 37 (**Chapter 288, Laws of 1975 Extraordinary Session, Shall the present law governing professional negotiations for certificated educational employees be repealed, and a new law substituted therefore?**)—Filed July 18, 1975 by Mrs. Alice K. Matz of Kent, Washington. No signatures presented for checking.

REFERENDUM MEASURE NO. 38 (**Chapter 113, Laws of 1975-'76 2nd Extraordinary Session, Shall the salaries of state legislators be increased from \$3,800 to \$7,200 effective at the beginning of their next term?**)—Filed April 6, 1976 by Mr. Paul E. Byrd of Tacoma. No signatures presented for checking.

REFERENDUM MEASURE NO. 39 (**Chapter 361, Laws of 1977 Extraordinary Session, Shall certain changes be made in voter registration laws, including registration by mail and absentee voting on one day's registration?**)—Filed June 22, 1977 by Kent Pullen. Signatures (74,000) filed September 20, 1977 and found sufficient. Measure submitted to the voters for decision at the November 8, 1977 state general election. ***Failed to pass** by the following vote: **For**—303,353 **Against**—632,131. **As a consequence, Chapter 361, Laws of 1977 Ex. Sess. did not become law.**

REFERENDUM MEASURE NO. 40 (**Chapter 288, Laws of 1977 Extraordinary Session, Shall a state women's commission be established by statute?**)—Filed July 29, 1977 by Susan Roylance, Representative of Women for Integrity in the Nation. Signatures (108,000) filed September 20, 1977 and found sufficient. Measure submitted to the voters for decision at the November 8, 1977 state general election. ***Failed to pass** by the following vote: **For**—259,761

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- Against—664,962. As a consequence, Chapter 288, Laws of 1977 Ex. Sess. did not become law.**
- REFERENDUM MEASURE NO. 41 (**Chapter 204, Laws of 1984, Shall the timber harvest tax be continued at a 6.5% rate rather than gradually reduced over four years to 5%?**)—Filed March 22, 1984 by Eleanor Fortson of Camano Island. The court ordered a writ of prohibition to prevent the referendum form appearing on the November, 1984 election ballot.
- REFERENDUM MEASURE NO. 42 (**Chapter 152, Laws of 1986, Shall seat belt use be mandatory for drivers and passengers of motor vehicles federally required to have installed seat belts?**)—Filed April 7, 1986 by Mark Gabel of Parkland. No signatures presented for checking.
- REFERENDUM MEASURE NO. 43 (**Second Substitute House Bill No. 758**)—Attorney General refused to write a ballot title because the Governor had not yet signed the bill. Filing of the referendum petition was premature.
- REFERENDUM MEASURE NO. 44 (**Chapter 506, Laws of 1987, Shall the director of the Department of Wildlife (formerly Game) be appointed by the Governor, not by the State Wildlife Commission?**)—Filed May 20, 1987 by Ted Cowan of Issaquah. No signatures presented for checking.
- REFERENDUM MEASURE NO. 45 (**Chapter 1, Laws of 1987, First Extraordinary Session, Shall the salary increases, established by the constitutionally created Citizens' Commission, for elected state officials, legislators and judges be approved?**)—Filed June 5, 1987 by Ed Phillips of Mossyrock. No signatures presented for checking.
- REFERENDUM MEASURE NO. 46 (**Chapter 1, Laws of 1991, First Extraordinary Session, Shall the salary increases, established by the constitutionally created Citizens Commission, for elected state officers, legislators, and judges be approved?**)—Filed June 5, 1991 by Michael G. Cahill of Walla Walla. No signatures presented for checking.
- REFERENDUM MEASURE NO. 47 (**Chapter 336, Laws of 1993, The state legislature has passed a law that revises the state's education system in many ways, such as adopting new student learning goals, revising educator training and assistance, and requiring educator performance assessments. Should this law be approved or rejected?**)—Filed May 13, 1993 by O. Jerome Brown of Rolling Bay. No signatures presented for checking.
- REFERENDUM MEASURE NO. 48 (**Chapter 98, Laws of 1995, originally certified as Initiative Measure No. 164, The state legislature has passed a law that restricts land-use regulations and expands governments' liability to pay for reduced property values of land or improvements thereon caused by certain regulations for public benefit. Should this law be approved or rejected?**)—Filed April 19, 1995 by Lucy B. Steers of Seattle. Sponsor submitted 231,122 signatures on July 21, 1995 and the measure was subsequently certified to the ballot. Submitted to the voters at the November 7, 1995 general election and was rejected by the following vote: **For—544,788 Against—796,869.** As a consequence, Chapter 98, Laws of 1995 did not become a law.
- REFERENDUM MEASURE NO. 49 (**Chapter 184, Laws of 1995, The state legislature has passed a law that adds criminal trespass to the list of crimes for which police officers may arrest persons without witnessing the offense or first obtaining an arrest warrant. Should this law be approved or rejected?**)—Filed May 3, 1995 by Kenneth E. Gragsone of Everett. No signatures presented for checking.
- REFERENDUM MEASURE NO. 50 Chapter 149, Laws of 2002 (**Statement of the Subject: The legislature passed Engrossed House Bill 2901 (EHB 2901) concerning unemployment insurance [and voters have filed a sufficient referendum petition on parts of this bill].**) Concise Description: This bill would authorize additional training benefits for unemployed aerospace workers, adjust the maximum limits for unemployment benefit payments, and make

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various changes to unemployment insurance rates for employers.)—Filed on March 29, 2002 by Elliot J. Swaney of Olympia. No signature petitions were presented for checking.

REFERENDUM MEASURE NO. 51 Chapter 149, Laws of 2002 (**Statement of the Subject: The legislature passed Engrossed House Bill 2901 (EHB 2901) concerning unemployment insurance [voters have filed a sufficient referendum petition on parts of this bill].**) Concise Description: This bill would revise laws regarding unemployment insurance for employers, including establishing new employer rate classes, increasing taxable wage bases, and imposing surcharge taxes if certain contingencies occur.)—Filed on March 29, 2002 by Elliot J. Swaney of Olympia. The measure was withdrawn by the sponsor.

REFERENDUM MEASURE NO. 52 Chapter 354, Laws of 2002 (**Statement of the Subject: The legislature passed Substitute House Bill 1268 (SHB 1268) concerning state personnel reform [and voters have filed a sufficient referendum petition on parts of this bill].**) Concise Description: This bill would provide collective bargaining for state employees concerning wages, hours, and working conditions, subject to legislative funding approval, and establish effective dates for state personnel reform and competitive contracting for services.)—Filed on April 4, 2002 by Elliot J. Swaney of Olympia. The measure was withdrawn by the sponsor.

REFERENDUM MEASURE NO. 53 Chapter 149, Laws of 2002 (**Statement of the Subject: The legislature passed Engrossed House Bill 2901 (EHB 2901) concerning unemployment insurance [and voters have filed a sufficient referendum petition on parts of this bill].**) Concise Description: This bill would revise laws regarding unemployment insurance for employers, including establishing new employer rate classes, increasing some taxable wage bases, and imposing surcharges if certain contingencies occur.)—Filed on April 8, 2002 by Elliot J. Swaney. 151, 239 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 5, 2002 general election. *Failed to pass by the following vote: Approved - 665,760 Rejected - 966,901. As a result, the portions of this bill included in the referendum did not become law.

REFERENDUM MEASURE NO. 54 Chapter 15, First Special Session, Laws of 2003 (**Statement of the Subject: The legislature passed Engrossed Substitute Senate Bill 5028 (ESSB 5028) concerning water pollution [and voters have filed a sufficient referendum petition on part of this bill].**) Concise Description: This bill would prohibit the department of ecology from using authority granted in the water pollution control law to place conditions on diversions or withdrawals by existing water rights holders, with certain exceptions. Filed on June 24, 2003 by Joseph W. Ryan. No signature petitions were presented for checking.

REFERENDUM MEASURE NO. 54 Chapter 16, Laws of 2003, First Special Session (**Statement of the Subject: The legislature passed Engrossed Substitute Senate Bill 5028 (ESSB 5028) concerning water pollution [and voters have filed a sufficient referendum petition on part of this bill].**) Concise Description: **this bill would prohibit the department of ecology from using authority granted in the water pollution control law to place conditions on diversions or withdrawals by existing water rights holders, with certain exceptions.**) Filed on June 24, 2003 by Joseph W. Ryan of Seattle. No signatures were presented for checking.

REFERENDUM MEASURE NO. 55 Chapter 22, Laws of 2004 (**Statement of the Subject: The**

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legislature passed Engrossed Second Substitute House Bill 2295 (E2SHB 2295 concerning charter public schools. Concise Description: this bill would authorize charter public schools and would set conditions on operations. Charter schools would be operated by qualified nonprofit corporations, under contracts with local education boards, and allocated certain public funds.) Filed on March 29, 2004 by Charles E. Hasse of Federal Way. 153,718 signatures were submitted and found sufficient. The measure was submitted to the voters at the November 2, 2004 general election and was rejected by the following vote: Approved, 1,122,964; Rejected, 1,572,203. As a result, ESSHB 2295 did not become law.

REFERENDUM MEASURE NO. 56 Chapter 271, Laws of 2004 (Statement of the Subject: The legislature passed Engrossed Senate Bill 6453 (ESB 6453) concerning primary elections [and voters have filed a sufficient referendum petition on part of this bill]. Concise Description: This part of the bill would establish a primary to nominate major party candidates for partisan office. Voters would privately choose one party primary, voting only among that party's candidates. Election laws are addressed.) Filed on April 1, 2004 by Richard L. Pope, Jr. of Bellevue. No signatures were presented for checking.

REFERENDUM MEASURE NO. 57 Chapter 271, Laws of 2004 (Statement of the Subject: The legislature passed Engrossed Senate Bill 6453 (ESB 6453) concerning primary elections [and voters have filed a sufficient referendum petition on part of this bill]. Concise Description: This part of the bill would establish a primary to nominate major party candidates, and repeal inconsistent laws. Voters would privately choose one party primary, voting only among that party's candidates. Election laws are addressed.) Filed on April 1, 2004 by Richard L. Pope, Jr. of Bellevue. No signatures were presented for checking.

REFERENDUM MEASURE NO. 58 Chapter 271, Laws of 2004 (Statement of the Subject: The legislature passed Engrossed Senate Bill 6453 (ESB 6453) concerning primary elections [and voters have filed a sufficient referendum petition on part of this bill]. Concise Description: This part of the bill would affect primary and related laws which nominate major party candidates. Voters would privately choose one party primary, to vote in. Election laws are addressed.) Filed on April 2, 2004 by Richard L. Pope, Jr. of Bellevue. No signatures were presented for checking.

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(Measures passed by the Legislature and referred to the voters)

- REFERENDUM BILL NO. 1 (**Chapter 99, Laws of 1919, State System Trunk Line Highways**)—
Filed March 13, 1919. Submitted to the people at the state general election held on November 2, 1920. Failed to pass by the following vote: **For**—117,425 **Against**—191,783.
- *REFERENDUM BILL NO. 2 (**Chapter 1, Laws of 1920 Extraordinary Session, Soldiers' Equalized Compensation**)—Filed March 25, 1920. Submitted to the people at the state general election held on November 2, 1922. Measure approved by the following vote: **For**—224,356 **Against**—88,128.
- REFERENDUM BILL NO. 3 (**Chapter 87, Laws of 1923, Electric Power Bill**)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. Failed to pass by the following vote: **For**—99,459 **Against**—208,809.
- REFERENDUM BILL NO. 4 (**Chapter 164, Laws of 1935, Flood Control; Creating Sinking Fund**)—Filed March 22, 1935. Submitted to the people at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**—114,055 **Against**—334,035.
- *REFERENDUM BILL NO. 5 (**Chapter 83, Laws of 1939, 40-Mill Tax Limit**)—Filed March 10, 1939. Submitted to the people at the state general election held on November 5, 1940. Measure approved by the following vote: **For**—390,639 **Against**—149,843.
- *REFERENDUM BILL NO. 6 (**Chapter 176, Laws of 1941, Taxation of Real and Personal Property**)—Filed March 22, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure approved by the following vote: **For**—252,431 **Against**—75,540.
- *REFERENDUM BILL NO. 7 (**Chapter 229, Laws of 1949—\$40,000,000.00 Bond Issue to Give State Assistance in Construction of Public School Plant Facilities**)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: **For**—395,417 **Against**—248,200.
- *REFERENDUM BILL NO. 8 (**Chapter 230, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions**)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: **For**—377,941 **Against**—262,615.
- REFERENDUM BILL NO. 9 (**Chapter 231, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Institutions of Higher Learning**)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Failed to pass by the following vote: **For**—312,500 **Against**—314,840.
- *REFERENDUM BILL NO. 10 (**Chapter 299, Laws of 1957—\$25,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions and State Institutions of Higher Learning**)—Filed March 26, 1957. Measure submitted to the voters at the state general election held on November 4, 1958. Measure approved by the following vote: **For**—402,937 **Against**—391,726.
- *REFERENDUM BILL NO. 11 (**Chapter 12, Laws of 1963 Extraordinary Session—Outdoor Recreation Bond Issue**)—Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: **For**—614,903 **Against**—434,978.
- *REFERENDUM BILL NO. 12 (**Chapter 26, Laws of 1963 Extraordinary Session—Bonds For Public School Facilities**)—Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: **For**—782,682 **Against**—300,674.
- *REFERENDUM BILL NO. 13 (**Chapter 27, Laws of 1963 Extraordinary Session—Bonds For Juvenile Correctional Institution**)—Filed April 18, 1963. Submitted to the voters at the state general election held on November 3, 1964. Measure approved by the following vote: **For**—761,862 **Against**—299,783.
- *REFERENDUM BILL NO. 14 (**Chapter 158, Laws of 1965 Extraordinary Session—Bonds for Public School Facilities**)—Filed May 12, 1965. Measure submitted to the voters for decision

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- at the November 8, 1966 state general election and was approved by the following vote: **For**—583,705 **Against**—288,357.
- ***REFERENDUM BILL NO. 15 (Chapter 172, Laws of 1965 Extraordinary Session—Bonds for Public Institutions)**—Filed May 15, 1965. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: **For**—597,715 **Against**—263,902.
- ***REFERENDUM BILL NO. 16 (Chapter 152, Laws of 1965 Extraordinary Session—Congressional Reapportionment and Redistricting)**—Enrolled bill was received directly from the office of Chief Clerk, House of Representatives and filed May 7, 1965, thus bypassing the office of the Governor. Measure submitted to the voters for decision at the November 8, 1966 state general election and was approved by the following vote: **For**—416,630 **Against**—384,466.
- ***REFERENDUM BILL NO. 17 (Chapter 106, Laws of 1967—Water Pollution Control Facilities Bonds)**—Filed March 21, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: **For**—845,372 **Against**—276,161.
- ***REFERENDUM BILL NO. 18 (Chapter 126, Laws of 1967 Extraordinary Session—Bonds for Outdoor Recreation)**—Filed May 3, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: **For**—763,806 **Against**—354,646.
- ***REFERENDUM BILL NO. 19 (Chapter 148, Laws of 1967 Extraordinary Session—State Building Projects: Bond Issue)**—Filed May 10, 1967. Measure submitted to the voters for decision at the November 5, 1968 state general election and was approved by the following vote: **For**—606,236 **Against**—458,358.
- ***REFERENDUM BILL NO. 20 (Chapter 3, Laws of 1970 Extraordinary Session—Changes in Abortion Law)**—Filed February 9, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: **For**—599,959 **Against**—462,174.
- ***REFERENDUM BILL NO. 21 (Chapter 40, Laws of 1970 Extraordinary Session—Outdoor Recreation Bonds—Sales; Interest)**—Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: **For**—520,162 **Against**—474,548.
- REFERENDUM BILL NO. 22 (Chapter 66, Laws of 1970 Extraordinary Session—State Building Bonds—Sales; Interest)**—Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and failed to pass by the following vote: **For**—399,608 **Against**—574,887.
- ***REFERENDUM BILL NO. 23 (Chapter 67, Laws of 1970 Extraordinary Session—Pollution Control Bonds—Sales; Interest)**—Filed February 24, 1970. Measure submitted to the voters for decision at the November 3, 1970 state general election and was approved by the following vote: **For**—581,819 **Against**—414,976.
- ***REFERENDUM BILL NO. 24 (Chapter 82, Laws of 1972 Extraordinary Session—Lobbyists—Regulation, Registration and Reporting)**—Filed February 22, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For**—696,455 **Against**—576,404.
- ***REFERENDUM BILL NO. 25 (Chapter 98, Laws of 1972 Extraordinary Session—Regulating Certain Electoral Campaign Financing)**—Filed February 24, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For**—694,818 **Against**—574,856.
- ***REFERENDUM BILL NO. 26 (Chapter 127, Laws of 1972 Extraordinary Session—Bonds for Waste Disposal Facilities)**—Filed February 25, 1972. Measure submitted to the voters for

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decision at the November 7, 1972 state general election and was approved by the following vote: **For**—827,077 **Against**—489,459.

***REFERENDUM BILL NO. 27 (Chapter 128, Laws of 1972 Extraordinary Session—Bonds for Water Supply Facilities)**—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For**—790,063 **Against**—544,176.

***REFERENDUM BILL NO. 28 (Chapter 129, Laws of 1972 Extraordinary Session—Bonds for Public Recreation Facilities)**—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For**—758,530 **Against**—579,975.

***REFERENDUM BILL NO. 29 (Chapter 130, Laws of 1972 Extraordinary Session—Health, Social Service Facility Bonds)**—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following vote: **For**—734,712 **Against**—594,172.

REFERENDUM BILL NO. 30 (Chapter 132, Laws of 1972 Extraordinary Session—Bonds for Public Transportation Improvements)—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was rejected by the following vote: **Against**—665,493 **For**—637,841.

***REFERENDUM BILL NO. 31 (Chapter 133, Laws of 1972 Extraordinary Session—Bonds for Community College Facilities)**—Filed February 28, 1972. Measure submitted to the voters for decision at the November 7, 1972 state general election and was approved by the following votes: **For**—721,403 **Against**—594,963.

REFERENDUM BILL NO. 32 (Chapter 199, Laws of 1973 1st Extraordinary Session—Shall county auditors be required to appoint precinct committeemen of major political parties as deputy voting registrars upon their request?)—Filed April 26, 1973. Measure submitted to the voters for decision at the November 6, 1973 state general election and was rejected by the following vote: **For**—291,323 **Against**—609,306.

***REFERENDUM BILL NO. 33 (Chapter 200, Laws of 1973 1st Extraordinary Session—Shall personalized motor vehicle license plates be issued with resulting extra fees to be used exclusively for wildlife preservation?)**—Filed April 26, 1973. Measure submitted to the voters for decision at the November 6, 1973 state general election and was approved by the following vote: **For**—613,921 **Against**—362,195.

REFERENDUM BILL NO. 34 (Chapter 152, Laws of 1974 Extraordinary Session—Shall a state lottery be conducted under gambling commission regulations with prizes totaling not less than 45% of gross income?)—Filed April 26, 1974. Measure submitted to the voters for decision at the November 5, 1974 state general election, received the following vote: **For**—515,404 **Against**—425,903, and thus failed to be approved by a sixty percent majority of the voters voting on the measure, see state Constitution, Amendment 56 and AGLO 1974 No. 49.

REFERENDUM BILL NO. 35 (Chapter 89, Laws of 1975 1st Extraordinary Session—Shall the Governor, in filling U.S. Senate vacancies, be limited to the same political party as the former incumbent?)—Filed March 27, 1975. Measure submitted to the voters for decision at the November 4, 1975 state general election and was defeated by the following vote: **For**—430,642 **Against**—501,894.

***REFERENDUM BILL NO. 36 (Chapter 104, Laws of 1975-'76 2nd Extraordinary Session—Shall certain appointed state officers be required to file reports of their financial affairs with the public disclosure commission?)**—Filed March 19, 1976. Measure submitted to the voters for decision at the November 2, 1976 state general election and was approved by the following vote: **For**—963,309 **Against**—419,693.

***REFERENDUM BILL NO. 37 (Chapter 221, Laws of 1979 Extraordinary Session, Shall \$25 Million in State General Obligation Bonds be Authorized for Facilities to Train, Rehabilitate and Care for Handicapped Persons?)**—Filed June 11, 1979. Measure

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submitted to the voters for decision at the November 6, 1979 state general election and was approved by the following vote: **For**—576,882 **Against**—286,365.

***REFERENDUM BILL NO. 38 (Chapter 234, Laws of 1979 Extraordinary Session, Shall \$125 Million in State General Obligation Bonds be Authorized for Planning, Acquisition, Construction and Improvement of Water Supply Facilities?)**—Passed November 4, 1980.

Measure submitted to the voters for decision at the state general election and was approved by the following vote: **For**—1,008,646 **Against**—527,454.

***REFERENDUM BILL NO. 39 (Chapter 159, Laws of 1980, 46th Legislature, Shall \$450,000,000 in State General Obligation Bonds be Authorized for Planning, Designing, Acquiring, Constructing and Improving Public Waste Disposal Facilities?)**—Passed November 4, 1980. Measure submitted to the voters for decision at the state general election and was approved by the following vote: **For**—964,450 **Against**—558,328.

***REFERENDUM BILL NO. 40 (Chapter 1, Laws of 1986, 1st extraordinary session, Shall state officials continue challenges to the federal selection process for high-level nuclear waste repositories and shall a means be provided for voter disapproval of any Washington site?)**—Filed August 1, 1986. Measure submitted to the voters for decision at the state general election and was approved by the following vote: **For**—1,055,896 **Against**—222,141.

REFERENDUM BILL NO. 41 (Chapter 246, Laws of 1987, Regular Session, Shall the State challenge in the United States Supreme Court the constitutionality of authority delegated to the federal reserve system?)—Filed April 24, 1987. Measure submitted to the voters for decision at the state general election and was rejected by the following vote: **For**—282,613 **Against**—541,387.

***REFERENDUM BILL NO. 42 (Chapter 54, Laws of 1991, Regular Session, Shall enhanced 911 emergency telephone dialing be provided throughout the state and be funded by a tax on telephone lines?)**—Filed May 1, 1991. Measure submitted to the voters for decision at the state general election and was approved by the following vote: **For**—901,854 **Against**—573,251.

***REFERENDUM BILL NO. 43 (Chapter 7, Laws of 1994, 1st Special Session, Shall taxes on sales of cigarettes, liquor, and pop syrup be extended to fund violence reduction and drug enforcement programs?)**—Measure submitted to the voters for decision at the November 8, 1994 general election and was approved by the following vote: **For**—947,847 **Against**—712,575.

REFERENDUM BILL NO. 44 (Chapter 225, Laws of 1994 and Chapter 364, Laws of 1995, Regular Session, Shall the alcohol fuel tax exemption given to fuel distributors be eliminated?)—Filed on April 1, 1994 and May 16, 1995. Measure was not submitted to voters because of court ruling.

***REFERENDUM BILL NO. 45 (Chapter 2, Laws of 1995, 1st Special Session, Shall the fish and wildlife commission, rather than the governor, appoint the department's director and regulate food fish and shellfish?)**—Filed on May 24, 1995. Measure submitted to the voters for decision at the November 7, 1995 general election and was approved by the following vote: **For**—809,083 **Against**—517,433.

REFERENDUM BILL NO. 46 (Section 2, Chapter 2, Laws of 1997, Regular Session, Relating to property taxes.)—Measure was not submitted to the voters as Referendum Bill No. 46, but was submitted as Referendum Bill No. 47.

***REFERENDUM BILL NO. 47 (Chapter 3, Laws of 1997, Regular Session, Shall property taxes be limited by modifying the 106 percent limit, allowing property valuation increases to be spread over time, and reducing the state levy?)**—Measure submitted to voters for decision at the November 4, 1997 general election and was approved by the following vote: **For**—1,009,309 **Against**—579,620.

***REFERENDUM BILL NO. 48 (Chapter 220, Laws of 1997, Regular Session, Shall a public stadium authority be authorized to build and operate a football/soccer stadium and**

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exhibition center financed by tax revenues and private contributions?)—Measure submitted to the voters for decision at the June 17, 1997 special election and was approved by the following vote: **For**—820,364 **Against**—783,584.

***REFERENDUM BILL NO. 49 (Chapter 321, Laws of 1998, Regular Session, Shall motor vehicle excise taxes be reduced and state revenues reallocated; \$1.9 billion in bonds for state and local highways approved; and spending limits modified?)**—Measure submitted to the voters for decision at the November 3, 1998 state general election and was approved by the following vote: **For**—1,056,786 **Against**—792,783.

***REFERENDUM BILL NO. 50 (Chapter 253, Laws of 2000, Regular Session, Shall the department of licensing be authorized to charge fees to geologists in sufficient amounts to cover the costs of licensing the geologist profession?)**—Filed on March 31, 2000. Measure was not submitted to voters because of court ruling.

REFERENDUM BILL NO. 51 Chapter 202, Laws of 2002 (The Legislature has passed House Bill No. 2969, financing transportation improvements through transportation fees and taxes. This bill would increase highway capacity, public transportation, passenger and freight rail, and transportation financing accountability through increased fuel excise taxes, sales taxes on vehicles, and weight fees on trucks and large vehicles.) The measure was submitted to the voters at the November 5, 2002 state general election and was rejected by the following vote: Approved - 674,724 Rejected - 1,081,580.

HISTORY OF CONSTITUTIONAL AMENDMENTS ADOPTED SINCE STATEHOOD

- No. 1. Section 5, Article XVI. Re: **Permanent School Fund**. Adopted November, 1894.
- No. 2. Section 1, Article VI. Re: **Qualification of Electors**. Adopted November, 1896.
- No. 3. Section 2, Article VII. Re: **Uniform Rates of Taxation**. Adopted November, 1900.
- No. 4. Section 11, Article I. Re: **Religious Freedom**. Adopted November, 1904.
- No. 5. Section 1, Article VI. Re: **Equal Suffrage**. Adopted November, 1910.
- No. 6. Section 10, Article III. Re: **Succession in Office of Governor**. Adopted November, 1910.
- No. 7. Section 1, Article II. Re: **Initiative and Referendum**. Adopted November, 1912.
- No. 8. Adding Sections 33 and 34, Article I. Re: **Recall**. Adopted November, 1912.
- No. 9. Section 16, Article I. Re: **Taking of Private Property**. Adopted November, 1922.
- No. 10. Section 22, Article I. Re: **Right of Appeal**. Adopted November, 1922.
- No. 11. Section 4, Article VIII. Re: **Appropriation**. Adopted November, 1922.
- No. 12. Section 5, Article XI. Re: **Consolidation of County Offices**. Adopted November, 1924.
- No. 13. Section 15, Article II. Re: **Vacancies in the Legislature**. Adopted November, 1930.
- No. 14. Article VII. Re: **Revenue and Taxation**. Adopted November, 1930.
- No. 15. Section 1, Article XV. Re: **Harbors and Harbor Areas**. Adopted November, 1932.
- No. 16. Section 11, Article XII. Re: **Double Liability of Stockholders**. Adopted November, 1940.
- No. 17. Section 2, Article VII. Re: **40-Mill Tax Limit**. Adopted November, 1944.
- No. 18. Adding Section 40, Article II. Re: **Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only**. Adopted November, 1944.
- No. 19. Adding Section 3, Article VII. Re: **State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow**. Adopted November, 1946.
- No. 20. Adding Section 1, Article XXVIII. Re: **Legislature to fix the salaries of state elective officials**. Adopted November, 1948.
- No. 21. Section 4, Article XI. Re: **Permit counties to adopt "Home Rule" charters**. Adopted November, 1948.
- No. 22. Repealing Section 7 of Article XI. Re: **County elective officials**. (These officials can now hold same office more than two terms in succession.) Adopted November, 1948.
- No. 23. Adding Section 16, Article XI. Re: **Permitting the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more**. Adopted November, 1948.
- No. 24. Article II, Section 33. Re: **Permitting ownership of land by Canadians who are citizens of provinces wherein citizens of the State of Washington may own land**. (All provinces of Canada authorize such ownership.) Adopted November, 1950.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 25. Adding Section 3(a), Article IV. Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.
- No. 26. Adding Section 41, Article II. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.
- No. 27. Section 6, Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.
- No. 28. Sections 6 and 10, Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.
- No. 29. Article II, Section 33. Re: **Redefining "Alien," thereby permitting the Legislature to determine the policy of the state respecting the ownership of land by corporations having alien shareholders.** Adopted November, 1954.
- No. 30. Adding Section 1A, Article II. Re: **Increasing the number of signatures necessary to certify a state initiative or referendum measure.** Adopted November, 1956.
- No. 31. Section 25, Article III. Re: **Removing the restriction prohibiting the state treasurer from being elected for more than one successive term.** Adopted November, 1956.
- No. 32. Section 2, Article XV. Re: **Filling vacancies in the state legislature.** Adopted November, 1956.
- No. 33. Section 1, Article XXIV. Re: **Modification of state boundaries by compact.** Adopted November, 1958.
- No. 34. Section 11, Article I. Re: **Employment of chaplains at state institutions.** Adopted November, 1958.
- No. 35. Section 25, Article II. Re: **Pensions and Employees' Extra Compensation.** Adopted November, 1958.
- No. 36. Section 1, Article II by adding a new subsection (e). Re: **Publication and Distribution of Voters' Pamphlet.** Adopted November, 1962.
- No. 37. Section 1, Article XXIII. Re: **Publication of Proposed Constitutional Amendments.** Adopted November, 1962.
- No. 38. Adding Section 2(c), Article IV. Re: **Temporary Performance of Judicial Duties.** Adopted November, 1962.
- No. 39. Adding Section 42, Article II. Re: **Governmental Continuity During Emergency Periods.** Adopted November, 1962.
- No. 40. Section 10, Article XI. Re: **Lowering minimum population for first class cities from 20,000 to 10,000. Also changing newspaper publication requirements for proposed charters.** Adopted November, 1964.
- No. 41. Section 29, Article IV. Re: **Election of Superior Court Judges.** Adopted November, 1966.
- No. 42. Repealing Section 33, Article II and Amendments 24 and 29. Re: **Alien Ownership of Lands.** Adopted November, 1966.
- No. 43. Section 3, Article IX. Re: **Funds for Support of the Common Schools.** Adopted November, 1966.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 44. Section 5, Article XVI. Re: **Investment of Permanent Common School Fund.** Adopted November, 1966.
- No. 45. Adding Section 8, Article VIII. Re: **Port Expenditures—Industrial Development—Promotion.** Adopted November, 1966.
- No. 46. Adding Section 1A, Article VI. Re: **Voter Qualifications for Presidential Elections.** Adopted November, 1966.
- No. 47. Adding Section 10, Article VII. Re: **Retired Persons Property Tax Exemption.** Adopted November, 1966.
- No. 48. Section 3, Article VIII. Re: **Public Special Indebtedness, How Authorized.** Adopted November, 1966.
- No. 49. Adding Section 1, Article XXIX. Re: **Investments of Public Pension and Retirement Funds.** Adopted November, 1968.
- No. 50. Adding Section 30, Article IV. Re: **Court of Appeals.** Adopted November, 1968.
- No. 51. Adding Section 9, Article VIII. Re: **State Building Authority.** Adopted November, 1968.
- No. 52. Section 15, Article II. Re: **Vacancies in Legislature and in Partisan County Elective Office.** Also amending Section 6, Article XI. Re: **Vacancies in Township, Precinct or Road District Office.** Adopted November, 1968.
- No. 53. Adding Section 11, Article VII. Re: **Taxation Based on Actual Use.** Adopted November, 1968.
- No. 54. Adding Section 1, Article XXX. Re: **Authorizing Compensation Increase During Term.** Adopted November, 1968.
- No. 55. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.
- No. 56. Section 24, Article II. Re: **Lotteries and Divorce.** Adopted November, 1972.
- No. 57. Section 5, Article XI. Re: **County Government.** Adopted November, 1972.
- No. 58. Section 16, Article XI. Re: **Combined City-County.** Adopted November, 1972.
- No. 59. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1972.
- No. 60. Section 1, Article VIII. Re: **State Debt.** Also amending Section 3, Article VIII. Re: **Special Indebtedness, How Authorized.** Approved November, 1972.
- No. 61. Adding new Article XXXI. Re: **Sex Equality, Rights and Responsibilities.** Adopted November, 1972.
- No. 62. Section 12, Article III. Re: **Veto Power.** Adopted November, 1974.
- No. 63. Section 1, Article VI. Re: **Qualifications of Electors.** Adopted November, 1974.
- No. 64. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1976.
- No. 65. Section 6, Article IV. Re: **Jurisdiction of Superior Courts.** Also amending Section 10, Article IV. Re: **Justices of the Peace.** Adopted November, 1976.
- No. 66. Section 18, Article XII. Re: **Rates for Transportation.** Adopted November, 1977.
- No. 67. Repealing Section 14, Article XII. Re: **Prohibition Against Combinations by Carriers.** Adopted November, 1977.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 68. Section 12, Article II. Re: **Legislative Sessions, When—Duration.** Adopted November, 1979.
- No. 69. Section 13, Article II. Re: **Limitation on Members Holding Office in the State.** Adopted November, 1979.
- No. 70. Adding Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1979.
- No. 71. Adding Section 31, Article IV. Re: **Judicial Qualifications Commission—Removal, Censure, Suspension, or Retirement of Judges or Justices.** Adopted November, 1980.
- No. 72. Sections 1 and 1(a), Article II. Re: **Legislative Powers, Where Vested and Initiative and Referendum, Signatures Required.** Adopted November, 1981.
- No. 73. Adding Section 1, Article XXXII. Re: **Special Revenue Financing.** Adopted November, 1981.
- No. 74. Adding Section 43, Article II. Re: **Redistricting.** Adopted November, 1983.
- No. 75. Section 1, Article XXIX. Re: **May be Invested as Authorized by Law.** Adopted November, 1985.
- No. 76. Adding Section 11, Article VIII. Re: **Agricultural Commodity Assessments—Development, Promotion, and Hosting.** Adopted November, 1985.
- No. 77. Section 31, Article IV. Re: **Commission on Judicial Conduct—Removal, Censure, Suspension, or Retirement of Judges or Justices—Proceedings.** Adopted November, 1986.
- No. 78. Section 1, Article XXVIII. Re: **Salaries for Legislators, Elected State Officials, and Judges—Independent Commission—Referendum.** Adopted November, 1986.
- No. 79. Section 2, Article VII. Re: **Limitation on Levies.** Adopted November, 1986.
- No. 80. Section 7, Article IV. Re: **Exchange of judges—Judge Pro Tempore.** Adopted November, 1987.
- No. 81. Section 1, Article VII. Re: **Taxation.** Adopted November, 1988.
- No. 82. Section 10, Article VIII. Re: **Residential Energy Conservation.** Adopted November, 1988.
- No. 83. Section 3, Article VI. Re: **Who disqualified.** Also amending Section 1, Article XIII. Re: **Educational, reformatory and penal institutions.** Adopted November, 1988.
- No. 84. Adding Section 35, Article I. Re: **Victims of Crimes—Rights.** Adopted November, 1989.
- No. 85. Section 31, Article IV. Re: **Commission on Judicial Conduct.** Adopted November, 1989.
- No. 86. Section 10, Article VIII. Re: **Energy and Water Conservation Assistance.** Adopted November, 1989.
- No. 87. Section 6, Article IV. Re: **Jurisdiction of Superior Courts.** Adopted November, 1993.
- No. 88. Section 11, Article I. Re: **Religious Freedom.** Adopted November, 1993.
- No. 89. Section 3, Article 4. Re: **Election and Terms of Supreme Court Judges.** Adopted November, 1995.
- No. 90. Section 2, Article VII. Re: **Limitation on levies.** Adopted November, 1997.

HISTORY OF ADOPTED CONSTITUTIONAL AMDTS.

- No. 91. Section 10, Article VIII. Re: **Energy, water, or stormwater or sewer services conservation assistance.** Adopted November, 1997.
- No. 92. Section 1, Article VIII. Re: **State debt.** Adopted November, 1999.
- No. 93. Section 1, Article XXIX. Re: **May be invested as authorized by law.** Adopted November, 2000.
- No. 94. Section 7, Article IV. Re: **Exchange of judges - Judge pro tempore.** Adopted November, 2001.
- No. 95. Section 2, Article VII. Re: **Limitation on levies.** Adopted November, 2002.
- No. 96. Section 15, Article II. Re: **Vacancies in legislative and in partisan county elective office.** Adopted November 2003.